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I. DEFINITION OF THE CHILD

(article 1)

1. For Greek civil law, the concept of "the child" and the concept of "the minor" are identical. A minor is thus considered to be any person who has not reached the eighteenth year of his or her age (article 128 of the Civil Code). Only persons who have reached the eighteenth year of their age have complete legal capacity, although under Greek laws minors as young as 10 have the capacity to conduct certain acts, and in particular:

(a) Minors who have not reached the tenth year of their age are not liable for the damage they cause. Minors between the age of 10 and 14 are liable for the damage they cause unless they act without discretion (articles 916 and 917 of the Civil Code). Minors who have reached the age of 10 are considered capable of concluding legal acts from which they acquire a benefit in law only (article 134 of the Civil Code). Under the recently passed new Adoption Code (Law 2447/1996), minors who have reached the age of 12 give their personal consent before the court deciding on their adoption (new article 1555 of the Civil Code);

(b) Minors who have reached the age of 14 may, at their discretion, dispose of all their earnings from their personal work and everything given to them in order to be used or disposed of by them at their discretion (article 135 of the Civil Code);

(c) Minors who have reached the age of 16 may, with the general consent of the persons exercising custody over them, enter into contracts of work as employees. If the aforementioned consent is not given to them, the court may decide to grant it on the minor's petition (article 136 of the Civil Code);

(d) Minors who have not reached the age of 18 may marry with the permission of the court (if such a marriage is imperative for some grave cause). The court allows the marriage after having heard the prospective married persons and those exercising custody over the minor (article 1350 of the Civil Code). Married minors may undertake independently any legal act necessary to preserve or improve their property or meet the requirements of personal support and education, as well as the current needs of their families. They may also: (i) lease out their own real property, urban or rural, for a maximum of three years; (ii) collect the revenue from their property, and (iii) conduct by themselves any court case relevant to the above legal acts (article 137 of the Civil Code).

(e) In criminal law, minors are considered to be persons who are between the ages of 7 and 17 years, inclusive. Of these persons, minors under the age of 12 are called children and the remainder are called adolescents.

2. Delinquent minors are subject to reformatory or therapeutic measures or to criminal correction (article 121 of the Criminal Code). Children are not held responsible for the criminal acts committed by them, and only reformatory or therapeutical measures may be taken against

them. Adolescents who commit criminal acts are subject to reformatory or therapeutic measures if there is no case for them to be subjected to criminal correction (article 126 of the Criminal Code).

3. Special measures are provided for post-adolescents (aged from 18 to 21 years).

II. GENERAL PRINCIPLES

A. Non-discrimination

(article 2)

4. According to article 2, paragraph 1, of the Constitution of Greece, respect for and protection of the value of man constitute a primary obligation of the State. According to article 5, paragraph 2, of the Greek Constitution, all those who find themselves in Greek territory enjoy complete protection of their life, honour and freedom, without discrimination by nationality, race, colour, language and religious or political beliefs. Exceptions are made only in the cases provided for by international law. This non-discrimination applies both to Greek citizens and to foreign nationals or stateless persons. Furthermore, foreign nationals enjoy, according to an explicit provision of the Greek Civil Code, the same civil rights as Greek citizens (article 4 of the Civil Code).

5. The family, marriage, motherhood and childhood are under the protection of the Greek State (article 21 of the Constitution) and are protected by numerous special legislative regulations.

6. In particular, non-discrimination in the sector of health - in execution of the above constitutional provisions and more specifically of article 21 - is enshrined in article 1 of Law 1397/83 concerning the National Health System, which established the following general principles:

> "The State is responsible for providing health services for all citizens."
>
> "Health services are provided equally to all citizens, irrespective of their economic, social and occupational status, through a unified and decentralized health system."

7. In connection with the legal definition of "health", it should be noted that by virtue of Legislative Decree 436/1947 Greece, as a founder member of the World Health Organization (WHO), ratified the final act of the International Health Conference and the WHO Charter of 1946, which, since that time, have had all the force of ordinary law. In the preamble to that Decree, health is defined as: "the condition of complete physical, mental and social well-being, and not only as the non-existence of disease or disability".

8. In view of the above, health and welfare services, in accordance with the above WHO definition, are provided for all citizens without any discrimination. The programmes of protection for children apply also to foreign nationals, but only if their presence in Greece is lawful and the conditions laid down by law, as the case may be, are fulfilled. As a general principle, public health and welfare services serve, without exception, all persons who need them. Foreign nationals in Greece who lack health cover provided by a social security organization or within the framework of an international convention are served by the public health services, often without formalities.

B. Best interests of the child

(article 3)

9. In all decisions concerning children, whether they refer to legislative measures or to measures of a practical nature, the trend in modern Greek society is for the child's interests to be set as the prime consideration. This trend was always manifest in Greek law insofar as it concerned children, but it has become stronger during the last 20 years. It was consolidated in the new Constitution of Greece and occupies an especially central position in the new provisions of family law, whose modernization began in 1983 with the law on the equality of men and women before the law (Law 1329/1983) and was completed with the new law on adoption and guardianship.

10. As far as the Constitution is concerned, the trend towards protection of the child's interests is reflected both in article 21 and in article 96, paragraph 3, in conjunction with article 1 of Law 3315/1955, which lays down that the principle of public hearings applied in the administration of justice by other courts shall not apply to hearings in juvenile courts.

11. In the health sector in the broad meaning of the term (in accordance with the WHO definition given above), there are two basic theories: (a) the theory of benefit, in the sense of the protection of patients - and thus of children - with the purpose primarily of serving their interests, as included in article 3 of the Convention; and (b) the theory of autonomy, from which stems the principle of knowledgeable consent by which individuals express their opinion. In the case of children, this will depend on their maturity, as included in article 12 of the Convention.

12. The principle of benefit, in the form of medical paternalism (as is appropriate to the relationship between parent and child), is founded on the Hippocratic oath, which lays down that "the regimen I adopt shall be for the benefit of my patients according to my ability and judgement" and is a tradition in Greece. Science accepts that, because of its lengthy application, with the confidence of law as to its objectivity, since the fifth century BC, the Hippocratic oath constitutes an admissible rule of international common law. The service of the real interests of patients, and more especially of children, is confirmed by the modern Codes of Medical Ethics, the International Code of 1949 and the Greek Codes of 1939 (Emergency Law 1565/1939) and 1955 (Royal Decree 25/7/1955), which amount to a modern expression of the Hippocratic oath.

13. On the basis of these texts, Greek legislation holds the principle of the child's interests to be a substantive foundation of law, as provided for in article 3 of the Convention. In particular:

(a) Article 1511 of the Civil Code provides that every decision of the parents concerning the exercise of parental care must aim to promote the child's interests, which must also be the purpose of decisions of the court when it is called upon to decide on the assignation and manner of exercise of parental care. Moreover, the child's opinion must be taken into consideration, depending on his or her maturity, since the decision concerns his or her interests;

(b) Article 1512 of the Civil Code lays down that if the parents disagree over the exercise of parental care, the court shall decide on the issue if the child's interests make such a decision imperative. However, the child's interests must not be subjectively estimated by the parents. They are open to the supervision and judgement of the judges, who may decide on and order various measures aimed objectively at fostering the child's interests. The institution of the family court is thus considered necessary for correct decision-making aimed at the real interests of the child;

(c) Article 48, paragraph 1, of Law 2447/1996 provides for the institution of the family court, as a special division of the civil courts, to which all cases of family law are exclusively assigned. Article 49, paragraph 1, of the same Law established, in a role supplementary to the above-mentioned court, the presence of social services in each court of first instance, staffed by experts on matters of family law and juvenile law. However, these regulations have not yet been applied in Greece.

14. Among more specific matters in the field of providing health services for the protection of the child's interests are the following.

Conflicts between the views of doctors and parents over medical treatment

15. Article 1534 of the Civil Code provides that in case of an urgent need for medical intervention so as to prevent a hazard to the child's life or health, and in the event of the unjustified refusal of the child's parents, the public prosecutors of the court of first instance shall grant the required permission at the request of the doctor responsible for the child's treatment. The doctor has the special duty of protecting the child's health and is called upon to make his decision with the real interests of the child as his criterion. This approach is steadily supported by Greek case law, which has repeatedly held that the refusal of a parent to performance of an operation on the minor is abusive if this operation is required to save the child's life and preserve his/her health.

Transplants of tissues and organs

16. In order to protect minors, article 10, paragraph 3, of Law 2737/1999 lays down that the removal of tissue and organs from a living underage donor is prohibited. Removal of bone marrow is permitted in exceptional cases only, when it is to be transplanted to a sibling of the donor and on condition that there is histocompatibility between the siblings, that the removal of the marrow is essential to preserve the life of the recipient, that there is no other histocompatible donor with the legal capacity to give valid consent to the transplant, and that both the parents

consent, even if only one of them has the custody of the minor child. If there are no parents or if both parents have forfeited their right of parental care, consent may be given by a guardian subsequent to a decision of the council of supervision.

17. Minors who have reached the age of 12 years must also consent to the removal of the bone marrow. This consent may be granted (a) by instrument of notary public; (b) by an instrument on which a police authority has certified the authenticity of the donor's signature; (c) by an oral statement entered in a special ledger kept by the hospital where the transplant is to take place. When this statement is made, two witnesses must be present and will sign the entry of the consent in the ledger with the minor donor.

18. The removal of tissue and organs from deceased minors is prohibited in all cases.

Experiments on children

19. In accordance with Ministerial Decision No. A6/10983/1/1984 concerning the performance of clinical tests on minors, clinical tests are allowed when:

(a) The drug is intended for the diagnosis or the prevention of diseases in children;

(b) Within the framework of the findings of medical science, the performance of clinical tests on adults does not permit adequate conclusions to be drawn.

20. In both cases, the clinical test is performed with the consent of the minor's legal representative, who must have been fully informed in advance of the substance in question and of the meaning and the potential risks of the clinical test. If the minor is in a position to understand the substance of the clinical test, his/her consent is also required (see also article 12).

State supervision of the protection of the child's rights

21. In the field of health and welfare, such supervision is exercised by the Ministry of Health and Welfare through central and regional bodies and services.

22. In Greece, significant problems have been created by the constant alternations in the supervision and control measures which were introduced between 1983 and 1992 in an attempt to identify the most appropriate way of organizing the power of the State to meet the needs of society. The problem of supervision has also intensified as a result of serious staffing problems and, in particular, of shortages of social workers and specialized nursing personnel.

23. One significant innovation of the Greek law is the provision of article 1, subparagraph b, of Law 2519/1997, which established the Patients' Rights Protection Control Committee, composed of representatives of a wide range of agencies. This Committee may visit hospitals in order to investigate specific complaints, or on its own initiative, in order to ascertain that the rules for the protection of patients' rights are being observed. As soon as it has formed an opinion on the partial or total foundation of the charges or complaints, the Committee submits its findings to the General Secretary of the Ministry of Health and Welfare, who decides on the further action to be taken in accordance with the law. If there is evidence of a criminal offence

having been committed, he will pass the findings to the competent Public Prosecutor's office. If the complaint is particularly serious, the Committee itself will pass the findings to the Public Prosecutor's office.

24. Paragraph 4 of the same article provides for the formation of a committee of three members on the protection of citizens' rights, to operate in the Communications Office of each hospital.

25. Law 2345/1995 establishes control over the organizations which provide organized social services in relation to the protection of children and do not belong to the public sector. It also established the institution of Social Consultant (in each prefectural local government authority) to exercise supervision and continuous observation over the services provided by the above organizations and private individuals, as regards their quality and sufficiency.

C. The right to life, survival and development

(article 6)

26. Greek law recognizes and protects the child's right to life. The right also applies to the foetus. Article 2, paragraph 1, of the Constitution provides that respect for and the protection of the value of human life constitute a primary obligation of the State. The obligation of respect also applies to the foetus, regardless of its physical or mental condition. No lesion or damage can justify the consideration of a human life as without value and thus its termination.

27. Where civil law is concerned, living persons are not the only subject of rights and obligations (article 34 of the Civil Code): the foetus, too, is considered to have been born as regards the rights belonging to it if it is born alive (article 36 of the Civil Code). This tendency of the civil law towards the protection of the foetus is reflected more clearly in articles 1711, 1867, 1924 and 1999, where the foetus is deemed to be the bearer of rights of inheritance, if it is born alive, and its mother may demand proportional support from its hereditary share if she is not able to support herself up to the time of delivery.

28. The right to life creates corresponding obligations on doctors. According to article 9 of the Royal Decree of 25-5/6-6-1955, "Concerning Rules of Medical Ethics", doctors are obliged to provide unlimited care to maintain and save human life and to avoid any action which may be a menace to it. Furthermore, under article 8 of the same Royal Decree doctors are obliged to treat human honour and personality with absolute respect.

29. As regards definition of the time at which life, as a constitutionally protected value, commences, it emerges from the above and from a conjunction of articles 9, 35, 36, 1711, 1867, 1924 and 1999 of the Civil Code that human life begins at conception and ends at death.

30. The main points involved in the commencement of human life are the following:

(a) Protection of the foetus;

(b) Assisted reproduction; and

(c) The artificial termination of the pregnancy.

Protection of the foetus

31. According to the provisions of the Criminal Code, there is a general duty of care for the unborn child. Any damage caused to the foetus, intentionally or through negligence, is punishable by law, whether the damage is caused by the mother herself or by a third person. See also article 24, on perinatal care and prenatal testing.

Assisted reproduction

32. The right of families to have issue is recognized by constitutional provisions and special services for the provision of medical care are provided for this purpose (see also article 24).

Artificial termination of pregnancy

33. The State's duty to protect the right to life is also enshrined in the provisions which, in principle, prohibit the artificial termination of pregnancy (abortion) and establish conditions for the act to be relieved of its criminal character. More specifically:

(a) Article 304, paragraphs 1 and 2 a, of the Criminal Code prohibits the artificial termination of pregnancy without the consent of the pregnant woman and its inadmissible termination or the provision to the pregnant woman of means for its termination with her consent;

(b) Article 305, paragraph 1, of the Criminal Code prohibits the announcement or advertisement, even in covert form, of means, drugs or other items or methods as suitable to cause artificial termination of pregnancy or the provision of services for the artificial termination of pregnancy;

(c) Article 303 of the Criminal Code prohibits the mother from taking the life of the child during delivery or after it.

34. Furthermore, article 304, paragraphs 4-5, of the Criminal Code provides that the artificial termination of pregnancy is not a criminal act if it is performed, with the consent of the pregnant woman, by a obstetrician-gynaecologist who is a qualified medical practitioner, with the assistance of an anaesthetist at a properly organized infirmary (in the public or private sector) in one of the following instances:

(a) Twelve weeks of pregnancy have not been completed;

(b) Evidence of serious abnormality of the foetus has been ascertained by modern means of prenatal diagnosis, when such abnormality will result in the birth of a newborn with a pathological condition and pregnancy has a duration of less than 24 weeks;

(c) There is an inevitable risk to the life of the pregnant woman or a risk of serious and continuous damage to her physical or mental health. In this case a relevant certificate from the doctor competent in the circumstances is required;

(d) Pregnancy is the result of rape, seduction of a minor, incest or abuse of a woman incapable of resistance, on the condition that she has not reached the seventeenth year of her age;

(e) The pregnant woman is a minor, in which case the consent of either of her parents or the parent having the custody of the minor is required.

35. Under Law 1609/1986, the termination of a woman's pregnancy up to the twelfth week is a matter of the woman's free choice, without any specific advisory procedure being provided by the law and without the woman having to invoke or prove the existence of any specific social, economic, medical, moral or other reason for which she wishes the abortion. In accordance with these provisions, it has become accepted that the artificial termination of pregnancy is considered one of the essential acts of preventive medicine and a result of failure of the other measures of contraception within the framework of family planning (see also article 24).

36. To the above characteristics of this law on the protection of the foetus we should also add the lack of any reference to an advisory procedure - within the framework, once more, of family planning and not necessarily by State bodies exclusively - or any other provision for the husband's consent or, lastly, any explicit reference to the doctor's right to refuse to provide his services in all cases of abortion, without exception, citing the objection of conscience which stems from the Hippocratic oath.

37. The most recent available statistical data, taking 1993 as the year of reference, are as follows: automatic abortions: 3,924, legal induced abortions: 1,523, illegal induced abortions: 3,660, other forms of abortion: 3,182. The problem of abortions in Greece, in each of these categories, is being studied within the framework of family planning (see also article 24).

38. Study is focusing on the development of the medical techniques of contraception (e.g. a study for the inclusion of the contraceptives on the National Prescription List, for issue free of charge to those eligible) and on ways of spreading information, especially among young people (see also article 24, school health).

39. The establishment of guidance centres, the establishment of procedures for the parents of the embryo, and measures for the protection of unmarried mothers in combination with facilitation of the adoption procedures are also being studied.

40. Prenatal testing to avoid birth of newborns with pathological conditions and to promote assisted reproduction methods for the support of the family within the framework of family planning are provided for (see also article 24).

41. The right of the child to life is directly connected with the safeguarding of its survival, and, as already noted, this right also applies to the foetus. The concept of viability is brought under the wider concept of survival. In accordance with article 7 of the Convention, the child is registered at the Registry Office immediately after its birth.

42. In relation to the start of life and the viability of the foetus, the following points can be made.

43. Under article 35 of the Civil Code, the child is considered alive as long as it is inside the woman's body as an embryo and, under article 36 of the Civil Code, as of its separation from the mother's body it acquires a personality as a newborn baby on condition that it is born alive. The Civil Code sets no further requirement for recognition of the commencement of the newborn baby's personality and, consequently, any newborn baby born alive acquires a legal personality.

44. However, article 37 of Law 534/1977 on the certification of certain deaths provides that if the newborn is born dead a death certificate shall not be issued before the completion of 180 days as of the beginning of pregnancy. In other words, this provision establishes the criterion of viability for the start of the child's personality, as certified by the relevant birth and death certificate. A birth and death certificate, with the consequences deriving from it, is issued only if the newborn baby has completed the twenty-eighth week of pregnancy (196 days after conception).

45. The compliance of Greek legislation with the rules of medical science applied at any time is monitored to ensure that cases of covert euthanasia of newborn babies or other forms of removal of human life which are prosecuted under criminal law do not occur.

D. Respect for the views of the child

(article 12)

46. The right of free expression of the child's opinion, dictated by article 12 of the Convention, is also an application of fundamental principles of the Greek Constitution, which enjoin respect for, and the protection of, human value and personality as well as the protection of childhood.

47. Under the Civil Code (art. 1511, subpara. 3), "Depending on the maturity of the child, his/her opinion must be sought and taken jointly into consideration prior to any decision relevant to parental care, if the decision concerns the child's interests". Also, under the provision of article 681 C, paragraph 2, of the Code of Civil Procedure, "... the judge may communicate with the child, if such a thing is deemed necessary for the making of a decision".

48. Although a reading of these texts does not clarify whether the hearing of the child is compulsory (since the Civil Code provides that the child "must" be asked while the Code of Civil Procedure provides that the judge "may" communicate with the child), theorists are unanimous that the provision of the Civil Code prevails and, consequently, the hearing of the child is always compulsory.

49. Minors who have reached the age of 16 are in any case capable of appearing before the court in affairs concerning their personal status and of exercising the legal remedies provided for by law. When minors appear before the court, the person representing them in law also appears (article 742 of the Code of Civil Procedure).

50. The Civil Code contains a number of provisions giving minors the potential to take initiatives and make decisions or initiate proceedings before the courts or other authorities whenever their interests are in need of protection. In particular:

(a) Minors who have reached the age of 15 may enter into contracts of work with the consent of the persons who exercise custody;

(b) Minors who contract a marriage undertake, on their own, any legal transactions necessary to support or improve their property or meet the requirements of their personal support and education and the current needs of their family. They may also (i) lease out their real property, rural or urban, for a maximum of six years; (ii) collect the revenue from the property; and (iii) conduct on their own any court case relevant to the these transactions (article 137 of the Civil Code).

51. By the new law on adoption and guardianship, the right of minors to a hearing of their opinion on matters of adoption and guardianship is founded even more firmly and broadly than was the case in the past. Both the Civil Code and the Code of Civil Procedures provide in general for the representation of minors either by the persons exercising parental care or by a guardian if parental care does not exist, in cases in which the minors themselves are unable to act.

52. In the field of health, the capacity of will necessary for the meaningful expression of consent to medical acts is assessed depending on the maturity (mental and chronological) of the minor and is legally binding. The doctor must take into consideration the will of the patient/minor, as ultimately expressed, if this is addressed to the real interest of the minor. The doctor will take the opinion of the minor into consideration depending on the maturity and the capability of the minor to weigh up the repercussions of the medical act on his/her health.

53. Under article 1511 of the Civil Code, the parents' consent is not sufficient and the medical act is arbitrary if the minor disagrees with the medical treatment while the parents agree with it. Violence must not be practised on minors in the course of medical treatment, even in the interests of the minors unless their health or life is at serious risk. The minor's consent is presumed if the persons with custody consent and the minor does not explicitly disagree with their decision (see also article 3).

54. The consent of the persons exercising the custody of the minor is explicitly required by Greek legislation in other cases, where the provision of health services creates moral and legal problems. In particular, under article 304, paragraph 2, of the Criminal Code, the consent of the persons exercising the custody of the pregnant minor is required for the artificial termination of pregnancy. If this consent is not given, the termination of pregnancy is illegal and the doctor carrying it out is liable to criminal proceedings.

55. Under article 47, paragraphs 3-4, of Law 2071/92 the consent of the person concerned, given after s/he has been fully informed, is required for the performance of any act subsumed within the sector of the provision of health services. A medical act or operation performed without the child's consent constitutes an injury to, and offence against, its personality.

III. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

(article 7)

56. Under Greek legislation, the child has the right to bear a name and to acquire a nationality. Greek legislation provides for procedures for the protection of the child's right to know its parents and be brought up by them.

57. As soon as a newborn baby is born alive, in accordance with articles 20, paragraphs 1, 21 and 22 of Law 344/1976, a birth certificate is drawn up and filed - by its parents or those having the custody of the newborn baby - with the Registry Office of the place where the birth took place, within 10 days of delivery. The birth certificate, apart from the name and surname, the occupation and the residence of the declarant, includes the place, the time and the exact date of delivery, the sex and the name of the newborn baby. It also includes the full name, the nationality, the religion, the occupation, the place of residence and particulars of registration on the municipal roll of the parents, as well as the mother's maiden name.

58. Article 1465 of the Civil Code provides that children born during the marriage of their mother or within 300 days of the dissolution of such marriage are presumed to have as father the mother's husband, as children born in wedlock. However, this presumption can be refuted for the following year or if the woman has married again.

59. The parents are obliged to determine the surname of their children by joint and irrevocable declaration prior to the marriage before a notary public or before the official who will solemnize their wedding. If they fail to declare the surname of their children in this manner, then the children will take the surname of their father (article 1505 of the Civil Code).

60. Children born outside the marriage of their parents take the surname of the mother. The mother's husband may give his surname to the child by notarial deed or add it to the surname already borne by the child, if the mother and the child agree.

61. If a voluntary act of judicial affiliation takes place, the adult child or the parents (if the child is a minor) or either of them or its guardian are entitled, within one year of the affiliation, to add, by a declaration before the registrar of births, the paternal surname to the child's surname (article 1506 of the Civil Code).

62. Verification of parenthood in Greece involves a number of medical tests, such as blood testing of the persons reported to be the child's parents. The probative value of the blood test in Greece is estimated on the basis of the modern scientific methods (A, B, AB - M, N and MN - Rhesus C/c) by which almost complete proof is attained.

63. As for paternity in the event of assisted reproduction and in order to secure the child's interests, under article 1471, paragraph 1, subparagraph 2 of the Civil Code, the consent of the mother's husband to the extraneous insemination precludes the right on his part to deny paternity.

64. Each sperm bank is obliged to keep records showing the particular donor whose sperm was used for the artificial insemination of specific recipients. Under decision No. 1335/1996 of the Deputy Minister of Health and Welfare, these records are confidential and only the specially authorized inspecting bodies of the Ministry of Health and the judicial authorities have access to them. In this way the child has a legal interest and may be informed, through the judicial channels, of the identity of its natural father.

65. As regards nationality, Greek law maintains a combination of the acquisition of nationality jure sanguinis and jure soli. On the basis of these principles the child of a Greek man or woman acquires Greek nationality at birth, irrespective of whether it was born in foreign territory, of whether it is the issue of the legal marriage of its parents or otherwise, of whether its parents are divorced, or of whether its Greek father is alive or not at the time of birth.

66. Greek nationality is acquired at birth by any child born on Greek territory, unless it acquires at birth a foreign nationality or is of unstated nationality. The application of the territory system (jus soli) helps to avoid the undesirable phenomenon of children being born without nationality.

B. Preservation of Identity

(article 8)

67. Under the Constitution (art. 25), the rights of persons as individuals and as members of society are under the guarantee of the State, and all the State bodies must secure their unhindered exercise, while the family is recognized as "the foundation upon which the nation is maintained and promoted".

Children born in wedlock

68. Under article 1463, subparagraph 2, of the Civil Code, the relationship of a person to his/her mother is established by birth, while his/her relation with the father and relatives is to be concluded from the marriage of the mother to the father or by voluntary or judicial affiliation.

69. More specifically, under article 1465 of the Civil Code, children born during the marriage of the mother or within 300 days of the dissolution or cancellation of her marriage have as father, by inference, the mother's husband. If the child is born after the passage of 300 days of the dissolution or cancellation of the marriage, the burden of proof of paternity is on the party alleging it.

70. If within the 300 days from the dissolution or cancellation of her marriage a woman who has remarried gives birth to a child, it is presumed to be the child of the second husband, unless an action for denial of its paternity is admitted, in which case it is presumed to be the issue of the first husband (article 1466 of the Civil Code).

71. The status of the child as having been born in lawful wedlock may be impugned by: (a) the mother's husband; (b) the father or mother of the husband if he has died without having lost the right of impugnment; (c) the child; and (d) the child's mother. The impugnment is made in person by the person holding the right or by his/her special proxy or, with the court's permission, by his/her legal representative (article 1469 of the Civil Code).

72. The right of denial of paternity is excluded in the following cases: (a) for the mother's husband, if a year has elapsed from the time at which he was informed of the delivery and the evidence from which it can be concluded that conception did not involve him, and in all cases after the passage of five years from delivery; (b) for the husband's father and mother, after the elapse of one year from the husband's death and the birth of the child; (c) for the child, after the elapse of one year from the attainment of his/her majority; and (d) for the mother, after the elapse of one year from the delivery or, if there is an important reason for non-impugnment during the marriage, after six months from the dissolution or cancellation of the marriage to her husband (article 1470 of the Civil Code).

Children born out of wedlock

73. Children born outside the marriage of their parents are considered, where they and their relatives are concerned, to be children born in wedlock, if the parents marry and the child is recognized voluntarily or judicially, after the marriage, to be a child of the husband (article 1473 of the Civil Code). If the child is not alive at the time of its parents' marriage, the effects of article 1473 will be applicable to the child's children (article 1474 of the Civil Code).

74. The child, and in case of its death, the child's children, are entitled to decline the voluntary recognition of paternity if the person declaring himself to be the father is not the real father (article 1478 of the Civil Code).

75. The mother is also entitled to take action seeking the recognition of the paternity of her child born out of wedlock by its father. The mother's action is brought against the father or against his heirs (article 1480 of the Civil Code).

76. In case of voluntary or judicial affiliation, the child is equated to children born in lawful wedlock where its parents and their relatives are concerned (article 1484 of the Civil Code).

77. Greece has ratified the European Convention of Strasbourg on the Legal Status of Children born out of Wedlock of 15 October 1975 (Law 1702/1987), although the country's domestic laws on this matter already included all the regulations provided for in the Convention.

C. Freedom of expression

(article 13)

78. Under article 14, paragraph 1, of the Constitution, "Any person may express and disseminate orally, in writing and through the press his/her thoughts, complying with the laws of the State".

D. Freedom of thought, conscience and religion

(article 14)

79. Under the Constitution (arts. 5, para. 1, and 13), any person has the right to the free development of his/her personality and to participate in the social, economic and political life of the country, provided that s/he does not infringe the rights of others and does not violate the Constitution or boni mores. The freedom of religious conscience is inviolable and enjoyment of the individual and civil rights of citizens does not depend on their religious beliefs. However, it is not permitted for the exercise of worship to offend public order and boni mores.

80. The Civil Code provides that parents should cultivate the freedom of thought and conscience of their children through upbringing and education. The upbringing and education of the child amount to the content of custody, which is the right and obligation of the parents, as stated explicitly in article 1518, paragraphs 1, 2 and 3, of the Civil Code.

81. During their upbringing, the parents support their children without discrimination by gender and assist them to develop their personalities responsibly and with social conscience. During their education and vocational training, they take into consideration the children's abilities and personal inclinations.

82. The right and duty of parents to provide their children with a religious education is also connected with the function of upbringing. The freedom of religious conscience is protected, as already noted, by article 13 of the Constitution.

83. While the parents have the custody of their children, the competent judicial bodies must give the parents their support, if so requested by them (article 1519 of the Civil Code).

E. Freedom of association and of peaceful assembly

(article 15)

84. The content of article 15 of the Convention corresponds to articles 11, 12 and 23 of the Greek Constitution. According to the provisions of these articles, the Greeks have the right to assemble peacefully and without weapons and form unions of persons and non-profit-making associations in compliance with the laws - which, however, can never make the exercise of that right dependent on previous permission. The State takes the appropriate measures to guarantee the freedoms of the trade union movement and the unimpeded exercise of the rights relevant to it against any infringement of them within the limits of the law.

F. Protection of privacy

(article 16)

85. The Greek law in force contains no provisions dealing specifically with non-intervention in the private life of minors. However, in general, the residence of any person and the family and the private life of that person are under the protection of the Constitution. Under article 9 of the Constitution, no search may be carried out of a residence, except when and in the manner provided for by the law and always in the presence of a representative of the judicial authority. Offenders against these provisions are punished for violation of the inviolability of the home and for abuse of power and are obliged to indemnify the victim in full, as provided by law. Article 19 of the Constitution provides that "The confidentiality of the mails and any other medium of free correspondence or communication is completely inviolable". The law determines the circumstances under which the judicial authority is not bound by this inviolability, such as when there are considerations of national security or for the solution of particularly serious crimes.

86. Article 20 of the Constitution provides the grounds for the right of any citizen to be granted legal protection by the courts. The same protection can also be granted against any administrative action or measure taken to the detriment of the rights or interests of the individual.

87. In criminal law, in particular, it is provided that any person who, in any way whatsoever, forges or suppresses the family status of another person and especially any person who commits this offence against a child is liable to imprisonment (article 354 of the Criminal Code). The inviolability of the mails and of telephone communications and oral conversation between citizens is explicitly protected by article 19 of the Constitution and the effective provisions of criminal law (articles 370 to 370C of the Criminal Code). Similarly, the honour and reputation of the individual are also protected (article 361 of the Criminal Code).

88. In civil law, the court may award a sum it considers reasonable in pecuniary satisfaction for non-pecuniary damage, apart from the compensation for financial loss (article 914 of the Civil Code). This applies especially to persons who have sustained damage to their health, honour or chastity or have been deprived of their liberty (article 932 of the Civil Code).

89. Protection of the rights described in article 16 of the Convention, which, according to law, cannot be exercised by minors due to their age, is exercised by the person with custody, even if such person is a natural person or an institution.

90. In the health sector, Greek legislation has established a system of measures by which any arbitrary or illegal intervention in the child's private life during the rendering of health services is avoided.

91. Under article 23 of the Code of Medical Ethics of Emergency Law 1565/1939, and articles 18 and 15, paragraph 1, of the Royal Decree of 25 July 1955 "Concerning Rules of Medical Ethics", the obligation of the medical, paramedical and nursing stuff to maintain confidentiality is established by a number of binding provisions whose violation makes the offenders liable to penal, civil and disciplinary sanctions. The obligation to maintain

confidentiality on those providing health services has been elevated by a recent provision (article 47, paragraph 6, of Law 2071/1992) to the status of a self-existent right of the child. Hospitals are also obliged to provide for procedures capable of guaranteeing that the confidential nature of the information and the content of documents concerning the child, its file and medical notes and findings, will be secure.

92. The question of safeguarding medical confidentiality in connection with the provision of health services to children is being studied for the purpose of protecting their interests, obtaining for them the best possible health care, ensuring that their parents and the social security organizations are properly informed, and protecting society, especially in the cases of infectious diseases (see also article 24 on AIDS).

G. Access to appropriate information

(article 17)

93. Given the great importance of the mass media in the social, intellectual and moral development of the child, and especially given the potential for children to have access to information not only from national but also from international sources, State television and radio often broadcast educational and recreational programmes covering all the stages of childhood and adolescence. However, in parallel, and in order to protect children from inappropriate programmes which could become harmful to their mental health and morals, appropriate legislative measures have been taken. Under article 3, paragraph 14, of Law 2328/1995 and in harmonization with article 22 of EU directive 89/592, Hellenic Radio and Television (ERT) and the private television channels must not broadcast programmes which may seriously damage the physical, intellectual or moral development of minors and especially programmes containing pornographic scenes or scenes of aimless violence, nor may they include in their news broadcasts real-life scenes of violence unless they are essential for the public information. Programmes which may damage the physical, intellectual or moral development of minors may be broadcast, depending on their content and the extent of the potential harm, after 9.30 p.m. in the case of the least offensive programmes and after midnight in the case of all the others. In accordance with an explicit provision of the same article, the presentation of minors as witnesses to or victims of criminal acts or accidents is prohibited, and is allowed only exceptionally and conditionally if it is essential for the public information. Article 3, paragraph 3 d, of the above law provides that even television advertising must not adversely affect minors physically or morally and specifies in detail the criteria which must be maintained for their protection.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

(article 37 (a))

Torture or other cruel or degrading treatment or punishment

94. Under article 7, paragraph 2, of the Constitution "torture, physical injury, damage of health or the exercise of violence, together with all other offences against human dignity are prohibited and liable to punishment".

95. According to the Greek Reformatory Code (Law 1851/1989) the treatment of prisoners must not be humiliating and is to be exercised in such a way that the adverse effects of the deprivation of their liberty can be ameliorated, respect for their human dignity is guaranteed, and self-respect and the development of a feeling of personal responsibility can be fostered.

The death penalty

96. The death penalty was abolished in Greece by Law 2207/1994.

Life imprisonment

97. Under the Criminal Code, minor offenders are those between the ages of 7 and 17 years. Minors under the age of 12 are called children, and the others adolescents (article 121 of the Criminal Code). Children are not held responsible for the criminal acts which they commit, and only reformatory and therapeutic measures may be applied to them. Adolescents who commit criminal acts are subjected to reformatory or therapeutical measures or penal correction or to reduced terms of imprisonment if the case comes to trial after the adolescent has reached the age of 17 (articles 126, 127 and 130 of the Criminal Code).

98. Under article 54 of the Criminal Code, penal correction of adolescents in a reformatory institution may be of a minimum duration of 5 years and a maximum of 20 years, if for the criminal act committed by them the law provides for a sentence of more than 10 years. In all other cases the minimum duration of the sentence is 6 months and the maximum 10 years.

Arrest and detention of minors

99. Since 1987, the Greek Police Force has had a special Juvenile Division consisting of two departments. The first department deals with the prevention of criminality among minors and with minor victims and the second one with criminality among minors.

100. The need for the Juvenile Division was at least partly connected with the avoidance of maltreatment of minors by police officers during preliminary investigations.

101. As a rule, minors are arrested by the specially trained officers of the Juvenile Division, are detained in a separate part of Security Police headquarters and are referred to the Juvenile Division Public Prosecutor, who, if temporary detention is required, orders their detention in a Juvenile Correctional Institution. When arrested, minors are not handcuffed, unless it is considered that there is a particularly high risk of their escaping. The police officers escorting them wear plain clothes and the official vehicles carrying them are unmarked, so as not to stigmatize the minor in any way. When a case involves a minor offender, the police withhold information on it from the press and the minors are mentioned only by the initials of their names.

102. Under article 282, paragraph 4, of the Code of Criminal Procedure, as replaced by article 2 of Law 2207/1994, if the defendant is an adolescent, restrictive measures or temporary detention may be ordered if the criminal act of which s/he is accused is punishable by imprisonment for more than 10 years and the general conditions for the ordering of restrictive measures or temporary detention have been complied with, such as strong evidence of guilt, the

perpetrator being a fugitive from justice or an escaped prisoner or not having a permanent and known place of residence, or the likelihood of the perpetrator committing other crimes if released, as can be deduced from the facts of his/her previous life or the particular circumstances of the offence.

103. If the act committed by the minor is punishable by imprisonment for less than 10 years or if the minor is younger than 15 years old, s/he will be detained in a Juvenile Reformatory School. The Juvenile Reformatory Schools operate as elementary and secondary vocational education schools with semi-open living conditions.

104. When a minor commits a crime, every effort is made to ensure that the case is heard as soon as possible and, in all circumstances, no more than six months after the date of perpetration of the crime. The hearing before the Juvenile Court is held in camera so as to protect the minor's personality. From the moment of perpetration of the crime until the completion of whatever sentence is ordered, the minor is under continuous supervision and has the support of the probation authorities. If a reformatory or therapeutic measure has been ordered, this support will continue until the minor comes of age and may be provided in an institutional setting or at home.

IV. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

(article 5)

105. Under article 21 of the Constitution, the family, marriage, motherhood and childhood are under the protection of the State. From the point of view of family law, the principles to which the constitutional stipulation refers and anything else related to children are reflected in articles 1510 and 1518 of the Civil Code, as they continue in force. In accordance with these provisions, care of the minor child is both a duty and a right for the parents, who exercise it jointly. Parental care includes care of the child's person, management of the child's property, and representation of the child in any legal action or court case concerning its person or property. More specifically, care of the child's person includes its upbringing, supervision, education and cultivation.

106. Where upbringing is concerned, the law sets the rule that the parents must support the child, without discrimination as to its gender, to develop its personality with responsibility and social conscience. The law also provides that in the education and vocational training of the child the parents shall take into account the child's abilities and personal inclinations.

107. These regulations are connected with the obligation on the parents, established by article 1511 of the Civil Code, to take the child's opinion into consideration before making any decision concerning its interests. The obligation to consider the child's wishes was also included in the most recent law on adoption, by which the modernization of family law was completed and which expressly provides that both the wishes of the child to be adopted and those of the natural children of the prospective adoptive parent, if any, are to be heard, depending, of course, on their maturity.

108. In the spirit of the law, the parents or the persons exercising parental care must assist children to develop responsible, autonomous and free personalities, so that they will be able to exercise the rights recognized by the Convention.

109. Furthermore, article 1532 of the Civil Code states that:

> " ... if the father or the mother violates the duties imposed on them by their function concerning the custody of the child's person, or the management of the child's property, or if they exercise this function improperly, or if they are not in a position to exercise the function, the court, if requested by the other parent or the next of kin of the child or the Public Prosecutor, may order any appropriate measure.
>
> "The court may, more specifically, remove from either parent the exercise of parental care totally or partially, and assign it exclusively to the other parent, or, if the conditions of the preceding paragraph also apply to the other parent, may assign the custody of the child, totally or partially, to a third party or may appoint a guardian."

110. The court will only remove the custody of the child's person from both parents and assign it to a third party if other measures have proved ineffectual or insufficient to prevent risk to the physical, intellectual or mental health of the child. Also, the court will only decide to entrust custody to a third party after the morals, living conditions and, in general, suitability of that party have been ascertained in the form of a report from the competent social service (article 1533 of the Civil Code).

111. Parental custody may also be removed from the parents, but only for an important reason, if this is requested by parents themselves, who will at the same time recommend a person prepared to undertake custody. When there is no such recommendation in the petition, a guardian will be appointed (article 1535 of the Civil Code).

112. If, after the court decision on parental custody has been issued, the conditions change, the court must, on the petition of one or both parents or the child's next of kin or the Public Prosecutor, adapt its decision to the new conditions, according to the child's interests (article 1536 of the Civil Code).

113. The parents forfeit parental care, by court order, if they have been sentenced to at least one year's imprisonment for a crime they committed intentionally and which concerned the child's life, health and morals. In such cases, the court may also order the forfeiture of parental care for all other children too (article 1537 of the Civil Code).

114. Parental custody of a minor born and remaining out of wedlock belongs to the mother. In case of affiliation, the father also acquires parental custody, and may exercise it if the mother's parental custody has ceased or if she is unable to exercise it for legal or substantive reasons.

115. On the father's petition, and particularly if the mother also consents, the court may entrust him with parental custody or a part of it if this is imperative for the sake of the child's interest (article 1515 of the Civil Code)

116. If the parents cease to live together by reason of divorce of annulment of their marriage, and if the child was born out of wedlock, any claim for support of the child against the parent who does not have custody is brought by the parent with custody, and if neither has custody, by the parent with whom the child lives (article 1516 of the Civil Code).

117. In the case of a conflict between the child's interests and the interests of those exercising its custody, their spouses or their relatives by blood or by marriage in the direct line, a guardian for the child is appointed by the court (article 1517 of the Civil Code).

118. If there is a problem in the relationship between the family and the child, and before the case is brought before the court with jurisdiction, the police have the legal right, on the order of or in collaboration with the competent Public Prosecutor of the Juvenile Court, to intervene in favour of the child's interests if a violation of its legal interests has been ascertained.

119. More specifically, the police may intervene - subject to the above conditions - to achieve a settlement between the parents, with the child's interests always as a criterion, to provide advice in cases in which the minor has manifested antisocial but not illegal behaviour, and in all other circumstances in which the minor considers that his/her interests are being adversely affected by the family or the broader environment and turns to the police for protection.

B. Parental responsibility

(article 18, paragraphs 1-2)

120. Under article 1510 of the Civil Code, the upbringing and development of the child constitute the object of care of its person and belong to both parents. The law provides also for the joint responsibility of the parents towards the children, both after their divorce or separation (article 1513, paragraph 1, subparagraph b of the Civil Code) and towards children born out of wedlock and recognized (article 1515, paragraphs 1 and 3, of the Civil Code).

121. Under article 1511 of the Civil Code, any decision of the parents must serve the interests of the children.

122. Full compliance with article 18 of the Convention requires that parental custody be jointly exercised even after divorce or separation, as a primary solution, and that other measures be resorted to only if the court deems that this solution does not serve the child's interests.

Provision of childcare services

123. Under Emergency Law 2/35, Legislative Decree 3045/1954, article 10 of Legislative Decree 4525/1966, Law 1431/84 and Decision No. 4108/1988 of the Minister of Health and Welfare, State day nurseries and crèches were established in the form of legal persons under public law for children who lack the necessary care in their family environment because their parents work or for other social reasons.

124. For the services and institutions which provide care for the children of working parents, see article 18, paragraph 3 (sect. V.D) below.

125. Law 2082/1992 and Presidential Decree 348/1993 established a project to provide creative care of healthy babies and infants by mothers in the home. The application of this system is being studied in combination with pilot programmes for vocational training to be provided by institutions supervised by the Ministry of Health and Welfare.

126. The possibility of increasing the number of State day nurseries is also being studied, since it has been established that the need for day care facilities is not currently being met.

C. Separation from parents

(article 9)

127. According to article 1510 of the Civil Code, the parents have the duty and the right to take care of their child and determine the place of its residence. This care (parental care) includes caring for the child's person, managing its property and representing it in any case or legal action or trial concerning it. If one of the parents is unable to exercise this care, then it is exercised by the other one.

128. If the father and the mother violate the duties imposed on them by their function concerning the care of the child's person, or the management of its property, or if they exercise this function unduly, or they are unable to execute this function, the court may order any appropriate measure, or even the removal of the custody from both parents. However, this removal is ordered only if the other measures have proved ineffectual or are considered inadequate to prevent the risk to the physical, intellectual or mental health of the child (articles 1532 and 1533 of the Civil Code).

129. After divorce or separation, the court may entrust the exercise of the parental care to a third party, if it deems that this meets the child's interests (article 1511, paragraph 1, section c of the Civil Code). However, in all instances the court will take into consideration both the views of the parents and the opinion of the child itself, if the child is mature enough to express an opinion.

130. By the new Code on Guardianship, the foster parents of minors are to facilitate communication between the natural parents and the minor if this is not to the detriment of the minor's substantive interests (article 1656 of the Civil Code).

Visiting rights

131. The parent with whom the child does not live has always the right of communication with the child (article 1520, paragraph 1, of the Civil Code). The parent who does not have custody of the child has the right to seek from the parent with custody information about the person and the property of the child (article 1513, paragraph 3, of the Civil Code).

132. According to case law, decisions concerning serious matters of custody, such as name giving, the child's studies and the child's departure from the country, must be taken by both parents, even if custody is exercised only by one of them.

133. From the point of view of criminal law, any person who removes a minor from its parents or the persons legally exercising the care of its person, or any person who supports the voluntary departure of the minor from the authority of these persons, is liable to punishment by imprisonment. If the minor was in danger of his/her life or severe damage to his/her health, the term of imprisonment is at least one year. If the minor is under the age of 14, a sentence of up to 10 years' imprisonment is imposed, unless the act was committed by an ascendant, in which case she/he is punished by imprisonment. However, if the perpetrator committed the act with the purpose of making a profit or in order to use the minor for immoral purposes or to change the family status of the minor, she/he is liable to imprisonment for up to 10 years. If the perpetrator of such criminal acts committed them in order to collect ransom money, or to force the minor to carry out an act or omission, she/he is punished by imprisonment (article 324 of the Criminal Code).

D. Illicit transfer and non-return

(article 11)

134. By Laws 2102/1992 and 2104/1992, Greece ratified the Hague Convention on Civil Aspects of International Child Abduction of 1980, and the European Convention on Recognition and Enforcement of Decisions concerning custody of Children and on Restoration of Custody of Children of 1980. By the above-mentioned laws, the Ministry of Justice was appointed as the central authority for the coordination of the action provided by the Conventions.

E. Recovery of maintenance for the child

(article 27, paragraph 4)

135. Under the Civil Code, parents and children have a mutual obligation of support (article 1485 of the Civil Code). A right of support is recognized in respect of persons who cannot support themselves by work appropriate to their age, the condition of their health and other living conditions, or by their property. Minor children, even if they own property, have the right to support from their parents if the revenue from their property or work is not adequate for their support.

136. Persons who cannot provide support without endangering their own support have no obligation of support. This rule does not apply to the support of the minor child by its parents, unless the child owns its own property or can turn to another responsible person (e.g. grandfather or brother or sister) (article 1487 of the Civil Code).

137. The parents have the obligation to support their minor child jointly, each in proportion to his/her ability (article 1489 of the Civil Code). If one of the parents is not in a position to give support, the obligation devolves upon the parent who is next responsible. The same applies also if, for substantive or legal reasons, the claiming of support through the courts in the country's territory is impossible or extremely difficult (article 1490 of the Civil Code). If one or both parents violate their obligation to support their minor children, the court of competent jurisdiction grants, free of charge, to the other parent or to the children themselves, if requested, any appropriate assistance in the compulsory collection of the support due (article 1501 of the Civil Code).

138. In the event of a child having been born out of wedlock and its paternity being highly likely, if its mother is in poverty the court may, even before the filing of an action for its affiliation, order as an injunction the advance payment by the presumed father of a reasonable monthly sum (article 1502 of the Civil Code).

139. Article 1504 of the Civil Code establishes the obligation of the siblings to pay support to other siblings if they are unable to support themselves for specific reasons and in particular because of age, serious disease or disability. This support includes the absolute necessities of life and, additionally, the cost of upbringing, vocational training and education in general.

140. In criminal law, violation of a support order which has been issued even provisionally by the court is punishable by imprisonment of up to one year (article 358 of the Criminal Code).

141. Greece has ratified the international New York Convention on the Recovery Abroad of Maintenance of 1956 (Legislative Decree 4421/1964).

F. Children deprived of their family environment

(article 20)

142. In the Civil Code (art. 1589), if there is no parental care for a child, or if the court so decides, a guardian will be appointed for the child. The appointment may be made by the parent in a will, by a declaration before the court or the notary public, or by the court itself (articles 1599, 1600 and 1601 of the Civil Code). In the case of children at moral risk, the assistance offered by the Juvenile Protection Societies (Legal Persons under Public Law supervised by the Ministry of Justice) is of great importance. The establishment and organization of the Juvenile Protection Societies is covered by Law 2724/1940. The work of these societies consists of the provision of any support needed, whether material or moral, to the children in need or their families.

143. The special draft legislation committee referred to in the previous article is working on the modernization of these provisions.

144. The measures to apply this article involve (a) institutional protection and (b) foster families.

Institutional protection

145. Within the framework of institutional protection for the care of unprotected children who cannot remain in their family environment, the following programmes are implemented.

Child Care Centres

146. Child Care Centres operate in the public and in the private sectors. In the public sector, under Law 2851/22, Royal Decree 273/73, Law 1431/84 and Decision No. 8291/84 of the Minister of Health and Welfare, the Children's Care Centres (formerly Orphans' Homes) were established as legal persons under public law. Their purpose is to provide care, education and vocational training for children who can be proved to be unprotected and without family care.

147. In the private sector, articles 108 ff. of the Civil Code, Legislative Decree 1111/72 and Emergency Law 2039/39 enable the establishment of legal persons under private law with objects subsumed within article 20 of the Convention. In accordance with these provisions, 46 legal persons under private law of a non profit-making character have been established and are operating as ecclesiastical or private-sector institutions. They have a capacity of 2,604 children and currently accommodate 2,083 children.

148. The National Welfare Organization operates eight Children's Villages with objects similar to those of the Child Care Centres, sheltering 930 children.

Foundling hospitals

149. The object of these institutions is to care for unprotected babies by applying modern forms of child protection such as adoption, fostering and reintegration into the family after counselling by trained professionals. These foundling hospitals also run programmes of day care for the babies and infants of working mothers. The following foundling hospitals are currently operating:

(a) The Metera Babies' Centre. This centre has a capacity of 100 places, of which 84 are currently occupied. The day nursery provides facilities for 121 babies and infants;

(b) Municipal Foundling Hospital of Thessaloniki. Fifteen babies are accommodated in a closed care programme, 9 babies in a foster family programme and 210 in an open care programme;

(c) Municipal Foundling Hospital of Patra. There is no closed care programme, while 28 babies are in a foster family programme and 197 in an open care programme.

150. Article 48, paragraph 1, provides that the family court is the body exclusively competent to decide whether a child will be admitted to an institution or whether its protection will be assigned to social organizations (see also article 3 for the institution of the family court).

However, the institution of the family court has not yet been fully implemented in Greece. Until the full implementation of the law, the admission of children to institutions or the assigning of their protection to social organizations continues to be carried out in accordance with the previously effective law, which provided that such action could be taken:

(a) With the consent of the parents, when they are facing a specific crisis or pressing situation because of material, social or other conditions; and

(b) By virtue of a public prosecutor's order or court decision, if there are no parents.

151. In relation to the supervision of these institutions, see also article 3.

152. The National Welfare Organization - the largest welfare body in Greece - has plans for a number of innovative schemes within the framework of evaluation and reorganization of its programmes for institutional care.

Foster families

153. This institution was established throughout Greek territory by Law 2082/1992 and by the provisions of article 12 of Law 2447/1996, which amended the provisions of articles 1607 and 1655-1665 of the Civil Code concerning the fostering of minors. Minors who have no parents, or whose parents are unable to exercise parental care, may be placed in a foster family on the application of the guardian and with the permission of the Family Judge, issued after the expert opinion of the supervisory council or even ex officio by a decision of the judge, without the application of the guardian. The Family Judge, the guardian and the Supervisory Council are the bodies which exercise guardianship of the minor.

154. The institution of foster families has been applied systematically and successfully for many years by State social welfare services (the National Welfare Organization, the Patriotic Institution for Social Welfare and Care (PIKPA) and the Metera Babies' Centre). These bodies have placed a total of 630 children with foster families. Within the constraints of the appropriations approved for the institution in the State budget of the year 1996, its application on a wider scale is being attempted.

G. Adoption

(article 21)

155. Adoption in Greece is governed by the provisions of articles 1542-1588 of the Civil Code. By Law 1049/1980 Greece ratified the European Convention on the Adoption of Children of 1967.

156. The Ministry of Health and Welfare is involved in and assists in adoptions by conducting the social research required by law, in effect proposing to the court that the adoption be approved or rejected.

157. It is estimated - according to the most recent data - that about 600 adoptions of minors take place each year in Greece. To date, the legislation in force concerning adoption up to the age of 18 years does not include any explicit provision prohibiting the placing of a child in a family, by virtue of a private agreement, with the purpose of adoption.

158. In accordance with Presidential Decree 193/1973, specialized services and organizations operate in Greece to carry out inter-State adoptions. These services cooperate with the appropriate authorities in other countries on exchanging the information required to ensure that the adoption turns out to be in the interests of the adopted child.

159. Measures are being studied for the more complete control of the inter-State adoptions. These include: (a) initiation of the procedures necessary for ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions of 1993; and (b) the conclusion of bilateral conventions securing the protection of the children to be adopted, the prospective adoptive parents, and the biological parents.

H. Abuse and neglect including physical and physiological recovery and social reintegration

(articles 19 and 39)

160. Under civil law, acts of violence committed by the parents against children incur either forfeiture of the right of parental custody (article 1537 of the Civil Code) or deprivation of the exercise of that right (articles 1532-1533 of the Civil Code). Forfeiture takes place ipso jure if the parent has received an irrevocable sentence for a crime against the life, health or morals of the children, while deprivation of exercise of the right of parental custody presupposes always a court decision.

161. Criminal law contains numerous provisions aimed at the protection of minors against any form of violence inside and outside the family, attack or physical or mental assault, abandonment, neglect, maltreatment or exploitation, etc. Under article 312 of the Criminal Code, if there is no question of a graver offence, any person who: (a) by continuous cruel behaviour, causes injury or damage of health to a person under the age of 17 or unable to defend him/herself and under the custody or protection of the perpetrator, or belongs to the perpetrator's household or has entered into a relationship of work or service with the perpetrator or has been left in the perpetrator's authority by the person responsible for the minor's custody; or (b) by malicious neglect of his/her obligations towards the above-mentioned persons, is to blame for their suffering, injury or damage to their health, shall be sentenced to imprisonment of at least three months.

162. At least one year's imprisonment shall be imposed on ascendants by marriage or adoptive parents, guardians or trustees, carers of any kind, teachers, tutors or priests who commit acts of indecency against minors who are under their protection. The same punishment shall also be imposed on servants or roommates if they commit acts of indecency against minors who belong to the same household (article 342 of the Criminal Code).

163. Further, article 345 of the Criminal Code provides for the punishment of the offence of incest between blood relatives in the ascending and descending line by imprisonment of up to 10 years for the ascendant and up to two years for the descendants, while article 346 provides for imprisonment of up to one year for any other act of indecency between the relatives mentioned in article 345.

164. Incest between siblings is punished with imprisonment of up to two years. If the relatives in the descending line have not reached the age of 17, they are not liable to punishment.

165. An ascendant or any other person to whom the minor has been entrusted for upbringing or even for temporary care, if such person incites the minor to corruption, debauchery, prostitution, etc. is liable to imprisonment of between nine months and three years and a fine. The upper limit of the sentence is increased by five years if the perpetrator committed the crime of procurement of the minor (articles 349 and 351 of the Criminal Code).

166. Article 360 of the Criminal Code makes any person who, having the supervision of a minor, neglects his/her duty and fails to prevent the minor from committing a criminal act liable to imprisonment for up to one year. The sentence is increased to imprisonment for up to two years if the person culpable of the omission also had the custody of the minor's person.

167. Any person who incites a minor to begging or fails to prevent the minor from begging or vagrancy if the minor is in his/her custody or has a relation of dependence upon him is liable to imprisonment for up to six months or a fine (article 409 of the Criminal Code). Relevant to this provision is the provision of article 358 of the Criminal Code which, although not concerning only minors, provides for the imprisonment for up to one year of any person who maliciously violates an obligation to support a minor ordered even provisionally by the court. The penalty provided for in this case is imprisonment for up to one year. Article 10, paragraph 1, of the new law on adoption and guardianship provides that any person who, having adopted a minor, employs him/her in work which is immoral or dangerous to his/her physical or mental health shall be punished, unless there is a question of a more serious offence having been committed, by imprisonment of at least two years and by a fine of up to 1 million drachmas.

168. Greek legislation contains provisions aimed at the prevention of criminality among minors. This is a question largely of minors manifesting socially deviant behaviour due to an unsuitable or non-existent family environment or other social circumstances and causes. The prevention of criminality is the responsibility of the Probation Services of the courts and the Juvenile Protection Societies. All these services are under the supervision of the Ministry of Justice, which has also set up a coordinating council to take measures for the prevention and suppression of criminality among minors. The work of the services concerned is to attempt to ensure that minors who are at moral risk do not commit criminal acts. Care takes the form of institutional or home treatment on a one-to-one basis, as well as of a number of other measures.

169. The legislation governing the prevention of criminality among minors is currently under revision. A special draft legislation committee was established recently to reform, modernize and codify the legislation on minors.

170. The protection of abused and neglected children in Greece is one of the priorities of the social welfare services, the most important of which is the Centre for the Study and Prevention of Child Abuse and Neglect of the Child Health Institute.

171. Historically, the phenomenon of child abuse and neglect was first reported, from the scientific point of view, by the Child Health Institute in 1978. Since 1979, the Ministry of Health and Welfare has financed and supervised programmes implemented by the Directorate of Family Relations in the direction of research; research and action; the training of professionals; and the provision of services. During the last approximately 20 years these approaches have had the following results:

(a) The sensitization of public opinion;

(b) The scientific briefing of groups of professionals, starting with paediatricians and social workers;

(c) Influencing of the social policy by which the Ministries of Health and Welfare, Justice, and Public Order have adopted measures in the form of laws and programmes for dealing with the phenomenon;

(d) Diagnosis, therapy and rehabilitation in respect of a large number of children who have suffered various forms of abuse and neglect;

(e) Research results concerning physical abuse and neglect, non-organic dystrophia, sexual abuse, prevention of risks among families disposed towards violence (secondary prevention), the attitudes, views and practices of groups of professionals such as paediatricians and police officers, and corporal punishment;

(f) Development of primary prevention programmes which have led to the formulation of standards;

(g) Formation of the European Movement for the Prevention of Abuse and Neglect of Children, which held the First European Congress in Greece in 1987;

(h) Formation of the Initiative Group for the Rights of Children and Young People, in collaboration with other governmental and non-governmental bodies.

172. Little by little, State bodies such as the National Welfare Organization and the Metera Babies' Centre, mothers' and non-governmental organizations have developed programmes to deal with abuse and neglect, placing the issue among the targets of the training and services they provide.

173. It has been ascertained by research and clinically that the forms of child abuse and neglect of children described in the international literature and reported in other countries of the European and international space also occur in Greece. They are as follows:

(a) Mainly inside the family or its substitutes:

(i) Physical abuse;

(ii) Physical neglect and non-organic dystrophia;

(iii) Munchhausen's Syndrome by proxy;

(iv) Psychological abuse;

(v) Emotional neglect;

(vi) Sexual violation - incest;

(b) Mainly outside the family:

(i) Organized ritual sexual abuse (not including financial exploitation). This occurs in groups which engage in quasi-religious ritual procedures and is aimed at obtaining perverted sexual satisfaction. Often the victims are murdered;

(ii) Sexual exploitation of children - child prostitution - pornography. This may include financial profit (prostitution or perverted pederasty on the personal and/or group level);

(iii) The labour exploitation of minors - street children;

(iv) Systemic abuse: the role of the State or other system which, by positive action, or more frequently by omission, infringes the fundamental rights of children. A characteristic example is institutional care and, in general, the protection of children.

174. The research of the Institute of Child Health shows that the mortality rate among physically abused and neglected children is 6 per cent, while the rate of permanent disability is 8 per cent. Several research projects have been conducted on the use of corporal punishment in education, based on different samples of populations. In a project conducted in the schools of the Greater Athens area, it was discovered that 50 per cent of the fathers of primary school children administered corporal punishment to their children. This project also found that more mothers (65 per cent) than fathers beat their children by hand or using various objects. A research project conducted among Greek students aged 18-20 years discovered that 70 per cent of them had experience of corporal punishment by their parents at various ages up to majority.

175. Between 1994 and 1996, the Institute of Child Health completed a number of research projects, including:

(a) A comparative study of a sample of physically abused and neglected children and their families and a control group in order to determine prevention characteristics, particularly with regard to secondary prevention. A scale of high-risk characteristics for child abuse and neglect was established for the Greek population;

(b) A clinical study of the way mothers work through sexual abuse. This research approach aimed at the study and formation of a clinical profile of the mother in families in which incest and other forms of sexual abuse occur;

(c) A project on the use of corporal punishment in the schooling of children within the framework of the contemporary Greek family in the Athens area. The aim was to assess the frequency of corporal punishment and arrive at a qualitative analysis of its causes;

(d) A study of the knowledge and attitudes which police officers bring to their duties when child abuse and neglect occur. The study also focused on the personal experiences of the police officers during childhood and their practices as parents. On the basis of the results of this study, proposals were submitted to the Ministry of Public Order for the addition of educational material on the subject in the Police Academy;

(e) In the field of services, the Institute of Child Health completed a project for the deinstitutionalization/reorganization of the Male Children's Care Centre and alternative ways of operating it. The objectives of the project were to evaluate the operations of the Centre, intervene therapeutically in the acute crisis facing the institution, design and apply the statutory changes necessary for deinstitutionalization, convert the centre into an open community structure, and operate it as a pilot project for the transformation of all the Children's Care Centres in Greece;

(f) A four-year programme of Community Development and Health Promotion on a Greek resort island (in progress). The objective is intervention, on a variety of levels, in a socially isolated and vulnerable population and the promotion of a model of primary prevention of child abuse and neglect revolving around community development and health promotion;

(g) In the field of training for professionals, the Institute of Child Health has promoted two programmes: (a) a programme to train professionals in diagnosing and dealing with child abuse and neglect in a community framework, addressed to all health, mental health and education professionals working with children aged 0-12 years; and (b) a programme of services for abused children and their families, through the training of professionals. This programme combined primary and tertiary prevention, providing services through training and action within a framework of collaboration and support among health, mental health, welfare and justice professionals.

176. Given that needs are continuously increasing, the deficit in services on all levels is great. A study is being conducted of the scope for the establishment of mechanisms to assemble data on abused and neglected children in all the agencies involved and to deal with emergencies in cooperation with the judiciary and other government authorities (the police, schools and hospitals). In this way, a modern, coordinated and scientific approach to the problem may be introduced.

V. BASIC HEALTH AND WELFARE

A. Survival and development

(article 6, paragraph 2)

177. The survival and development of children are secured, within the bounds of possibility, by the Greek Constitution and Greek legislation. Under article 5, paragraph 2, of the Greek Constitution, all persons on Greek territory enjoy absolute protection of life.

178. Article 9 of the Medical Ethics Regulations (Royal Decree of 1955) provides that doctors have a duty to provide unlimited care for the maintenance and preservation of human life and that they are obliged to refrain from any intervention which may result in the prevention of reproduction or may create a risk to life, with the exception only of cases of proven and inescapable therapeutical need.

179. The Greek policy of granting allowances to provide children with better conditions in which to survive and develop enables the granting of allowances to those indirectly insured (by social security organizations such as the Social Security Foundation (IKA) and the fund for the self-employed (TEBE), to working people insured in the public sector, the uninsured and to special social groups. In particular, the Ministry of Health and Welfare grants the following allowances:

(a) Working women receive a childbirth allowance of 150,000 drachmas, half of which is paid before delivery and half afterwards;

(b) Unprotected children (that is, those without a father or without any parents), children whose fathers cannot support them due to disease, incompetence or physical or mental disability, and children born out of wedlock receive:

(i) An allowance which increases whenever a new member joins the family;

(ii) An allowance for children up to 16 years old who live at home, paid through the Patriotic Institution for Social Welfare and Care (PIKPA);

(iii) An allowance to families facing economic, social or health problems, paid through PIKPA;

(c) The parents of large families receive:

(i) An allowance granted to mothers who give birth to a third child. By virtue of article 39, paragraph 1, of Law 2459/1997, a sum of 40,000 drachmas per month is granted to the mothers of three or more children until the youngest child reaches the age of six, on condition that the annual family income of the beneficiaries does not exceed the sum of 7 million drachmas;

(ii) If, while receiving the allowance for the third child, the mother gives birth to a fourth child, she is also entitled to the allowance for large families under article 63, paragraph 3, of Law 1892/1990, as amended by article 39, paragraph 2, of Law 2459/1997. The allowance is monthly, amounts to 10,000 drachmas for each single child up to 23 years old, and is paid if the annual family income of the beneficiaries does not exceed 8 million drachmas. For each child beyond the fourth one, the annual family income limit is increased by 500,000 drachmas;

(d) The mothers of large families are entitled to life pensions in the form of a monthly allowance equal to one and a half times the statutory wage for unskilled workers multiplied by the number of children under the age of 25 years. This allowance was extended by article 2 of Law 2163/1993 to orphaned children and to the fathers of large families who are unable to work or are disabled ex-servicemen;

(e) Mothers who are no longer entitled to the large family allowance because their youngest child has reached the age of 25 or has married are eligible for life pensions, under article 63, paragraph 4, of Law 1892/1990 as amended by article 39, paragraph 2, of Law 2459/1997, of 23,000 drachmas per month if the annual family income of the beneficiaries does not exceed 3,000,000 drachmas.

180. All these allowances are adjusted from time to time by the social budget and in accordance with economic conditions.

B. Disabled children

(article 23)

181. In the sector of welfare, article 21, paragraph 3, of the Greek Constitution establishes a right of special State care for "persons suffering from incurable physical or mental disease", together with State responsibility for special measures to protect the disabled.

182. The changes which have occurred in Greek society during recent decades concern both disability itself and the opportunities for care. The limited State protection available, mainly of the closed institutional type, was called into question because of the fact that it isolated the disabled from their families and society in a way which did not respond to the needs and did not develop the potential of the individuals with special needs.

183. Article 3, paragraph 1, of Law 2430/1996 introduced standard rules for the Equalization of Opportunities for Persons with Disabilities, as approved by the General Assembly of the United Nations at its forty-eighth session in 1993 and established a committee to work out a national plan of application of the world action plan. Article 1, paragraph 1, of the same law declared 3 December as National Day for Individuals with Special Needs.

184. Greek legislation on individuals with special needs determines the kinds and forms of State action and regulates matters of procedure and planning. It covers the support provided in terms of cash, technical assistance and State benefits, services, the establishment and operation of institutions for special purposes, links with the community, decentralization, and participation in European Union action plans and projects. Special measures have also been taken to ensure that individuals with special needs enjoy the same rights as others and that discrimination against them is reduced.

185. In broad outline, the legal framework permits flexible regulations both for the improvement and transformation of existing structures and for the development of new institutions, such as home help, support for independent living, short-stay institutions for particular therapeutic or educational purposes, camps, and break programmes for carers. Apart from medical rehabilitation, there are social and vocational rehabilitation units and programmes, which, in combination with the allowance programmes for each category of disability, are intended to ensure that individuals with special needs stay within their families and society and that institutionalization and dependence are avoided.

186. The drafting of a framework law for the welfare system is under study. Such a law would promote uniform procedures and accentuate principles closely related to the regulations of the Convention as well as to United Nations and other international instruments. A system of uniform disability certification is also being established and is expected to bring about significant improvements in the existing mechanisms for the diagnosis and certification of disabilities. It will reduce the errors in classification which tend to take place at present and which, in the case of children, determine their access to services and centres and the course this access will take.

187. The general categories of special needs are the following:

- Tetraplegia, paraplegia;
- Severe disability;
- Cerebral palsy;
- Mental retardation;
- Blindness;
- Mental illness/disorders;

- Deafness (complete or partial);

- Thalassaemia, AIDS, haemophilia, advanced kidney disease, insulin dependence.

188. The measures taken to deal with the problems of individuals with special needs can be classified as follows:

(a) Medical care (guidance units, therapy, etc.);

(b) Special training (in mobility, etc.);

(c) Benefits (in kind and in cash) and personal services (monthly allowances, free public transport tickets, discounts on longer journeys, technical assistance, vehicle conversion, fuel allowance, home help, etc.);

(d) Vocational rehabilitation (prevocational training, support for occupational integration, etc.);

(e) Social integration (participation in EU initiatives, driver assessment and training, camps, etc.);

(f) Deinstitutionalization.

189. Through its prefectural services, the Ministry of Health and Welfare grants disability allowances to individuals with special needs, who are uninsured, indirectly insured or insured by the State.

190. In general, the grants to individuals with special needs come from three categories of services:

(a) The social security organizations, which grant disability pensions. Allowances are also available for those with certain categories of disability (tuberculosis, kidney disease, tetraplegia, paraplegia);

(b) The Ministry of Health and Welfare, which offers three categories of social protection: grants in kind (hospitalization, vocational training), institutional care, and open protection of the individuals with special needs. These grants may be given in cash (allowances) and in personal services (recreation, occupational therapy, medical supervision);

(c) From Institutions for the Protection of Individuals with Special Needs, which offer nursing, education, special training, vocational training, etc.

191. The monthly allowances granted to children with special needs in the year 1997, per category, were as follows:

- Blindness: 31,500-86,900 drachmas;
- Deafness: 29,300 drachmas;
- Cerebral palsy: 54,050 drachmas;
- Severe mental retardation: 36,800-55,750 drachmas;
- Thalassaemia: 39,750 drachmas;
- Haemophilia: 82,800 drachmas;
- AIDS: 82,800 drachmas;
- Tetraplegia/paraplegia: 110,720 drachmas;
- Severe physical disability: 41,950 drachmas;
- Advanced kidney disease: 41,950 drachmas;
- Insulin dependence: 41,950 drachmas;
- Fuel allowance (for special categories and on condition that the individual possesses a tax-free vehicle): 39,650 drachmas.

192. Working in close cooperation with the organizations of individuals with special needs, parents/guardians, professionals and other appropriate agencies, the Ministry of Health and Welfare has elaborated special programmes which will improve the position and prospects of children with special needs within the framework of the Welfare subprogramme of the Community Support Framework which secures for Greece the financial and technical support of the European Union.

193. The large number and variety of the agencies involved in the provision of services to individuals with special needs, organizational difficulties in the operation of the allowance programmes, and the shortage of competent and qualified personnel have so far prevented any reliable assessment of the number of children with special needs per category of problem and age. This serious matter is a matter of particular concern to Greece, which intends to take various forms of action, such as questions during the next census (2001), to conduct reliable, representative and reasonably extensive research aimed at assembling the data needed to facilitate a solution of the problem. In more specific instances, planning is based on small-scale research in each category and comparative data from other countries (epidemiological data, user data, evaluation data, etc.).

C. Health and health services

(article 24)

The National Health System

194. Article 21, paragraph 3, of the Greek Constitution provides that the State shall take care of the health of its citizens, and in implementation of that obligation, the National Health System was set up by Law 1397/1983 (see also article 2). The organizational principles of the NHS are as follows:

(a) Article 1, paragraph 1, of Law 1397/1983 provides that the State is responsible for the provision of health services for all the citizens;

(b) Article 5 provides that out-patient (primary) care is provided in the public sector by health centres, regional clinics and the out-patients departments of the hospitals, and in-patient (secondary) care is provided by the hospitals;

(c) Article 1, paragraph 1, of Law 2071/1992 provides that the State shall take care of the establishment, operation, organization and supervision of the services necessary to secure the health of all the citizens.

195. The health services are provided, by category of physical and mental health, as follows:

Primary or elementary health care

196. Under Article 1, paragraph 2, of Law 2071/1992, the State guarantees that citizens will have both the right and the opportunity to deal with their health problems by prevention or therapy. Article 3, paragraph 1, of Law 2519/1997 provides that the aim of all the health services is to prevent diseases, promote health, strengthen social equality in health matters and plan, organize and develop the public health services. Article 12 of Law 2071/1992 determines how primary health care services are to be provided. By article 26 of Law 2519/1997, an effort was made to upgrade primary health care in rural areas by the creation of networks in which health services are provided by general practitioners, specialists in internal medicine, other basic specialists, dentists, nurses, midwives, health visitors, social workers and other personnel.

197. Medical and nursing care, together with dentistry, are classed as primary health care and are intended to prevent, rehabilitate and treat health problems which do not require hospitalization. Primary health care is provided by general practitioners, specialists in internal medicine, and other specialists employed in medical posts and health centres, by the doctors of the social security organizations, by dentists and by the nursing staff and the visiting nurses employed in scientific departments providing primary health care. The main aim is to provide health services for all citizens on an equal basis and in accordance with their real needs.

Secondary or hospital care

198. As noted above, in-patient (secondary) care is provided by the hospitals and also by private clinics offering a full or partial range of services.

199. There are children's departments in all Greek hospitals (general hospitals, prefectural hospitals, etc.). More specifically, the following children's departments operate in the Greek hospitals: three neonatal departments in three hospitals in the Greater Athens area and four in hospitals in other parts of Greece; seven child psychiatry departments in the Greater Athens area and two in other regions of Greece; two paedocardiology departments, one in Athens and one in Thessaloniki; two orthopaedic surgery departments, both in Greater Athens; one paediatric department for infectious diseases and one heart surgery department for children in West Attiki; six general surgery departments for children in hospitals in the Greater Athens area and four in other parts of Greece.

200. Intensive care units for newborns are provided for in the by-laws of 22 hospitals, and 11 such units are already operating. There are two children's intensive care units, three units for special treatment for newborns, and one department of surgical intensive care for children.

201. Special university units (working in the fields of haemodynamics, paedoendocrinology, thalassaemia, paedoneurology, etc.) operate in the children's clinics of the Universities of Crete, Patra and Ioannina (neonatal and paedocardiology units).

202. Taking 1993 as year of reference, the six children's hospitals provided the following services: for 1,732 beds, the number of hospitalization days was 354,999, the number of children discharged from the hospitals was 578,082, the bed occupancy rate was 56 per cent and the number of children who died was 282. These infirmaries employed 785 doctors, 4 midwives, 1,325 nurses and 25 visiting nurses.

Emergencies

203. Emergencies are transferred by the National Emergency Help Centre (EKAV) to the nearest emergency hospital of the National Health System and, in general, to the nearest unit rendering medical care. EKAV is also responsible for coordinating all movements of patients to and from hospitals. Land transport is performed by ambulances of the National Emergency Help Centre or the hospitals, the health centres, etc.

204. Emergency cases from areas in the islands or mountains which cannot be reached by ambulance are moved by aircraft of the Greek Army and Olympic Airways, since for the time being the National Emergency Help Centre does not have its own air transport. Such movements of patients are coordinated exclusively by the National Emergency Help Centre, which is responsible for ensuring that patients are taken to the hospitals best capable of dealing with their health condition. Between January and October 1997, 237 children aged 0-10 years were moved by air from isolated areas and there were 166 movements by air of children and adolescents aged 11-20 years.

Mental health

205. In the sector of mental health services, the development, reorganization and reorientation of the psychiatric units have significantly improved the conditions of hospitalization for children, both when they themselves are being served and when the services are addressed to their parents or other adult family members.

206. Psychiatric services are provided on an in-patient or out-patient basis. They cover diagnosis, counselling, various forms of therapeutic intervention, and social and vocational rehabilitation such as open housing solutions, either because this is dictated by the features of the case or in order to avoid long-term psychiatric hospitalization.

207. During the last decade, the priorities of the National Health System in the psychiatric sector have been as follows:

(a) Deinstitutionalization;

(b) The establishment of psychiatric clinics in general hospitals with a small number of patients, short periods of hospitalization, out-patient departments, better geographical coverage, and links to the community;

(c) Development of psychiatric human resources with full and specialized staffing; apart from an increase in the number of child psychiatrists, psychologists, speech therapists, social workers, occupational therapists and instructors in various skills have been employed, particularly on open programmes;

(d) Specialization of child psychiatry per age group (pre-school, school, adolescent, post-adolescent) and per category of problem (general development disorders, autism, etc.), with services structured in a corresponding manner;

(e) The development of community psychiatry through mental health centres, mobile units and programmes of follow-up work with patients who have completed therapy, vocational training, placement in work, family counselling and community activities;

(f) Programmes of health education (preliminary mental health education, prevention of drug addiction) and early identification or diagnosis.

208. The mental health services are connected: (a) with the educational system through the child guidance services which are responsible for diagnosis, observation and the support of access to education; (b) with the welfare services through certification of compliance with the conditions for allowance assistance to persons or families and in the planning of welfare services for special categories of diagnosis, mostly concerning children; and (c) with vocational pre-training and training structures, whose needs and programmes go beyond the limit of 18 years of age covered by the Convention.

209. In application of the above, the following units have been established:

- Psychiatric services providing in-patient and out-patient care and psychosocial rehabilitation for children aged 0-12 years;
- Child guidance or mental health departments providing preventive, diagnostic and therapeutic services for children and adolescents, psychotherapy and parent counselling, and group and family psychotherapy;
- Liaison and emergency services for diagnosis in the 16+ age-group;
- Counselling, diagnosis, psychological testing and psychotherapy services for adolescents;
- School liaison counselling services;
- Out-patient departments in hospitals with counselling, diagnosis, psychological testing, psychotherapy, speech therapy, and occupational therapy services;
- Therapy units for autistic children and adolescents;
- Speech therapy and learning difficulty treatment centres;
- Mental health day centres for children and adolescents;
- Mobile psychiatric units for rural areas, with: (i) a child psychiatric department; (ii) a family therapy department; (iii) a liaison department; and (iv) home visits.

210. Law 2071/1992 instituted sectoral structuring, priority for out-patient care, deinstitutionalization, and the sensitization and participation of society towards matters of mental health as the principles now governing mental health in Greece.

211. Under Law 2716/1999, the provision of mental health services directed towards the prevention, diagnosis, treatment, care, psychosocial rehabilitation and social reintegration of children and adolescents with mental disorders, disorders of an autistic type and learning difficulties is defined as the responsibility of the State (art. 1). Under the law, the mental health units for children are defined as child guidance centres, multi-purpose child guidance units, the psychiatric units for children and adolescents of general hospitals and regional hospitals and the university psychiatric clinics for children and adolescents (art. 4). Placing in units and on psychosocial rehabilitation programmes and the psychiatric supervision there of children and adolescents with mental disorders and serious psychosocial problems may take place by decision of the appropriate court. The views of the minor will be taken into consideration by the court in reaching its decision (art. 9, para. 3). There is also provision for the placing of children and adolescents with mental disorders in host families by decision of the appropriate court, and here, too, the views of the minor will be taken into consideration.

School health

212. Law 2519/1997 (art. 7, paras. 1-4) established a Directorate of School Health in the Ministry of Health and Welfare, with two departments: (a) the Department of Planning and (b) the Department of Statistics and Studies. An independent School Health Bureau has now been set up in the Directorate of Health and Welfare of each region and is run by the Department of Public Health. The Directorate and the School Health Bureaus appoint public health doctors (paediatricians and general practitioners), dentists, psychologists, social workers, health visitors, nurses and other professionals.

213. The main responsibilities of the Directorate and the regional School Health Bureaus are the following: (a) the preparation, supervision and implementation of programmes to provide prevention services and health education and promotion together with the general psychosocial support of the population of children, pre-school centres, primary schools and secondary schools; (b) supervision of the school environment from the point of view of compliance with the public health regulations; and (c) recording and registration of details of the personal health of each school student.

214. Law 2519/1997 provides for cooperation between the Directorate and the School Health Bureaus, on the one hand, and, on the other, the head teachers and teaching staff of the schools, the appropriate departments of the Ministry of Education and Religious Affairs, prefectural and local government, and other health services. The personnel of the Directorate will pay periodic visits to schools to carry out tests and develop and apply health education programmes, in accordance with the programmes prepared by the Directorates of Primary and Secondary Education and under their supervision where the application and implementation of the school health programmes is concerned.

215. Joint decisions of the Ministers of Education and Religious Affairs and Health and Welfare will specify the health education programmes in more detail, determining the methods and the details of provision of school health services, the keeping of personal health cards for each pupil, and, in general, the way in which the school health officials will operate in schools. They will also determine the framework within which the school health services and the school will cooperate.

Working minors' medical examinations

216. In order for a minor to be employed, the primary and most important requirement is that he/she be in good health.

217. In compliance with article 24 of the Convention, Law 1837/1989 (arts. 11,12, 13 and 14) establishes medical testing for minors in order to ensure that the work they have chosen does not endanger their health and their physical and mental development. These tests are carried out by referral of the minors to the appropriate health services of the National Health Service and the Social Security Foundation (IKA) and are performed every 12 months up to the age of 18 years, if the minor changes his/her job, or whenever considered necessary in the opinion of a doctor.

218. After the completion of the medical tests, a certificate is issued by the head of the service or by the doctors appointed stating that the minor is fit or unfit for the particular job.

219. It should be noted, in addition, that apart from the medical tests provided for by Law 1837/89 the Greek State has extended these tests to young persons who have reached the age of 18 years but not the age of 21 years. Such young persons must not be employed in heavy, unhealthy or dangerous work.

220. Provisions concerning young people are also contained in Presidential Decree 7/90. This Decree obliges employers who employ persons under the age of 21 in underground work to keep records where the following particulars will be entered: the date of birth of the minor, and the nature of the duties the minor performs. These records are subject to scrutiny by the Labour Inspectorate.

Dental care

221. Within the framework of preventive dental care for children up to 18 years old, of improving the oral and dental health of children, of reducing the decay index among the population of children and of providing timely treatment, the general hospitals and the health centres have been staffed with dentists belonging to the National Health System. The departments of dentistry provide the following services: fillings, extractions, gum treatments, endodontic treatments, fluorination and X-ray treatment.

222. Preventive dentistry programmes also include information lectures for parents and school units by dentists of the National Health System in collaboration with the national and local dentists' associations. Printed matter is published by the Ministry of Health and Welfare and distributed. Teams to conduct dental examinations on the spot and provide advice are often sent out to districts and population groups which do not have easy access to the dental services.

223. Secondary and tertiary care are provided by the dental or maxillosurgical departments of the hospitals. These units also meet the special dental needs of psychiatric patients, persons with AIDS and hepatitis, and disabled persons who have difficulty in cooperating for dental treatment. Tertiary dental care consists largely of maxillosurgery.

224. Dental care on all levels is provided by the dental schools and the health units of the social security organizations, the most important of which is the Social Security Foundation (IKA). IKA also provides orthodontic services, free of charge, to children under 15 years old, together with a full range of dental and prosthetic treatment. Specialized orthodontic, paedodontic and maxillosurgical services are provided by special centres of IKA throughout the country.

225. Dental science, as practised in public and private dental clinics, has made important advances in recent years and there has been a notable turn towards prevention and paedodontics.

226. The level and the quality of the meeting of needs in the sector of dentistry are considered satisfactory, although there is still room for improvement.

Family planning

227. Greece has 48 family planning centres today, and information and counselling are also available from many of the health centres. With the support of the Ministry of Health, family planning services have been extended to the health units of IKA, the Child Guidance Centres of PIKPA, and to two municipalities which expressed an interest.

228. There are family planning training centres in the Alexandra Hospital (Athens) and the Hippokratio Hospital (Thessaloniki). The training course is uniform and includes theoretical and practical training.

229. The institution of family planning is being revised in the light of article 22 of Law 1397/1980, which replaced article 1, paragraphs 2 and 3, of the earlier Law 1036/1980 and assigned the training of personnel, the information of the public and the provision of services to "competent State agencies". The primary purposes of the institution are fuller protection for family, measures to deal with the low birth rate in Greece, the avoidance of abortions and the birth of healthy, wanted children, taking into account also the increase in the use of the methods of assisted reproduction. The current problems of family planning are mostly those of staffing, the obtaining of suitable premises, and the procurement of equipment.

Children's death rate

Age	1975	1985	1995
< 1 year	3 409	1 647	827
1 year	166	74	28
2 years	86	66	27
3 years	89	44	23
4 years	52	42	14
5-9 years	276	162	84
10-14 years	259	165	137
15-19 years	422	467	402

230. As can be seen from the above table, the child mortality rate decreased significantly over the period 1975-1995.

231. The causes of child mortality, taking 1995 as the year of reference, are as follows:

(a) Out of a total of 827 deaths of children younger than one year, 411 died from diseases of perinatal origin, 306 from congenital abnormalities and the remaining children from various diseases;

(b) Out of a total of 92 deaths of children aged 1-4 years, 14 died in traffic accidents, 8 as a result of other accidents, 7 from diseases of the nervous system, and the remaining children from various diseases;

(c) Out of a total of 84 deaths of children aged 5-9 years, 25 died in traffic accidents, 14 from malignant neoplasms located in various organs, and the remaining children from various diseases;

(d) Out of a total of 137 deaths of children aged 10-14 years, 38 died in traffic accidents, 19 from congenital abnormalities, 13 from malignant neoplasms located in various organs, 12 from other accidents, and the remaining children from various diseases;

(e) Out of a total of 402 deaths of children aged 15-19 years, 201 died in traffic accidents, 34 from other accidents and complications, 11 from falls, 7 from accidental poisoning, 15 as a result of suicide and self-inflicted injury, 4 by murder and wilful injury, and the remaining children from various diseases.

Accidents

232. The percentage of child mortality due to accidents among children under 14 years was 8.43 per cent in 1993 and 8.46 per cent in 1994, with boys being more likely to suffer accidents than girls. Half of those rates concern car accidents, which are an acute problem in Greece. The remainder were accidents in the home, in the school environment, in playgrounds, etc.

233. The Ministry of Health and Welfare is studying the special measures which could reduce the accidents of childhood and improve safety in the home, school, places of recreation and transport (see also school health).

Poisonings

234. One of the most serious causes of accidents among children is poisoning. In 1996, the Poisoning Centre received 35,706 calls, of which 32,086 concerned poisonings, and 3,620 queries regarding poisonings and other medical matters, an increase of 4 per cent over the number of calls received in 1995. The percentage of calls from the Greater Athens area was 55.80 per cent, from the Dodecanese 1.30 per cent, from Euboea 1.60 per cent, from Epirus 1.50 per cent, from Thrace 1.50 per cent, from Thessaly 4.30 per cent, from Crete 5 per cent, from Macedonia 12.40 per cent, from the Aegean islands 2.60 per cent, from the Ionian islands 1.50 per cent, from the Peloponnese 8 per cent, and from Central Greece 3.50 per cent.

235. In general terms, the percentage of poisonings tends to be greater in the urban centres and especially in the major urban centres, as a result of the conditions in which children live in the big cities. The age group most susceptible to poisoning age is 0 to 4 years. More specifically, 2,157 cases of poisoning were reported in children aged 0 to 1 years, 11,752 in children aged 2 to 4 years, 2,351 in children aged 5 to 9, 1,409 in children aged 10 to 14 years old and 2,298 in children aged 15 to 19 years old. Of the total number of cases of poisoning, 9,834 involved boys and 10,031 girls. The commonest causes of poisoning are drugs, with a percentage of 45.3 per cent, and domestic substances, at 23.2 per cent. These are followed by various chemical substances with 6.20 per cent, cosmetics with 5.5 per cent, agricultural pharmaceuticals with 3.9 per cent, foodstuffs with 3.1 per cent, animal bites with 2 per cent, and plants with

0.7 per cent. A significant proportion (15.5 per cent) was attributed to suicide attempts, while 69 per cent were classed as accidental. The most usual place for poisoning to occur is the home (88.1 per cent), followed by the fields (6 per cent), school (1.2 per cent) and hospital (0.1 per cent).

236. The Poisoning Centre is an integral department of the A. Kyriakou Children's Hospital and since 1996 has been providing services for the whole of Greece. It is a member of the European Union of Poisoning Centres and of the corresponding International Association.

237. The Poisoning Centre is responsible for collecting and processing data about poisonings and for preparing an annual report. It is vigorously active in the fields of information and prevention, operating programmes to prevent poisoning among babies and children in collaboration with the Ministry of Health and Welfare, the Ministry of Education and local government.

238. In 1996, 54 meetings and lectures took place within the framework of these programmes and 40,000 information leaflets containing information about poisoning were sent to parents. The leaflets were distributed to the parents of babies and children attending day nurseries in collaboration with the Ministry of Health and Welfare, through the welfare directorates of the prefectures. A further 6,000 leaflets were also distributed to the parents of children hospitalized in the A. Kyriakou Children's Hospital.

239. The Poisoning Centre is going ahead with the development of Greek programmes of toxicological information about various categories of products. During 1996 it carried out 365 laboratory tests to identify the drugs in blood samples and to assist detection in cases of poisoning. It has a separate service providing information about teratogenesis, which in 1996 provided information, by telephone, in 796 cases in which pregnant women or breastfeeding mothers had taken various drugs.

240. Among the measures taken to reduce mortality are the following.

Perinatal care - prenatal testing

241. Out-patient obstetrics departments operate in the hospitals, the health centres, the mother and child centres run by the Social Security Foundation, and the PIKPA counselling units in the child guidance centres to provide information, carry out regular check-ups and offer socio-psychological support to pregnant women and conduct prenatal tests.

242. In prenatal control, particular attention is paid to the prenatal diagnosis of thalassaemia minor in view of the fact that the condition is endemic among the Greek population (31 testing centres).

243. During recent years, the phenomenon of women giving birth at more advanced ages has necessitated the more widespread application of amniocentesis and genetic counselling for chromosomal abnormalities. The organization of the genetics departments has improved the use of counselling services and diagnostic examinations for inherited diseases.

244. Measures have also been taken to promote the timely diagnosis of patients who are carriers of various conditions, with the provision of genetic counselling by special diagnostic units, the application of screening programmes, where this is possible, and the linking of laboratories by a uniform computer network.

245. The application of methods of assisted reproduction has greatly increased as a way of dealing with primary or secondary sterility. Although the units in operation respond satisfactorily to the needs and requirements of couples, there is still room for improvement to satisfy more users and to further reduce losses during pregnancy, perinatal mortality and the birth of children with health problems. The Ministry of Health and Welfare is endeavouring to improve the organization and management of the system in general and to develop the necessary connections in each health district.

Paediatric testing of neonates

246. Given that 99 per cent of deliveries take place in obstetric units with parallel paediatric support and neonatal departments and that specialized children's hospitals or clinics have been established, full paediatric testing of newborn babies, the provision of the required services and preventive testing for metabolic diseases are now general.

247. For many years, tests have been carried out for phenylketonuria (PKY), hypothyroidism and lack of the G6P enzyme (now covering 97 per cent of needs). During the last three years, experimental testing for galactosemia has been added.

248. In 1976, compulsory Child Health Cards were introduced, starting with details of pregnancy and delivery and covering a programme and list of preventive examinations, periodic tests, vaccinations and diseases, if any, treatment, etc. The Card is required for registration with baby and infant care services and in educational units. It has facilitated and substantially promoted paediatric care.

249. A study is currently being conducted of the scope for linking the Child Health Card and the preventive care provided for by it with the new institution of school doctors and school health in general provided for by Law 2519/1997.

Diseases

Childhood AIDS

250. Childhood AIDS is given special treatment by the Ministry of Health and Welfare. In accordance with WHO criteria, the reporting of AIDS in children up to the age of 12 years is anonymous and compulsory and the competent registration body is the Special Infections Control Centre. In conjunction with monthly welfare support, where extremely discreet procedures are also applied, it is estimated that all cases have been identified.

251. Antiretrovirus drugs are administered free of charge to all patients by the Ministry of Health and Welfare. In Greece, the number of AIDS cases among children is low by comparison with incidence among adults and adolescents. Out of the 20 children under the age of 12 who

had contracted AIDS by the end of 1995, 11 had been infected via the mother, 7 were multitransfused patients, and 2 were infected after a single blood transfusion. By 30 June 1997 the cases of AIDS among children had risen to 23.

252. The measures are similar to those taken for adults and are as follows:

(a) Reporting of the cases is compulsory;

(b) The testing of blood intended for transfusions is compulsory;

(c) The testing of organs for transplanting is compulsory;

(d) Psychological and social support is granted to the seropositive children and to the members of their families: (i) through the services of the hospitals they attend; (ii) through the counselling centres and the help lines in Athens and Thessaloniki, where anonymous and confidential information about AIDS and consultative and psychological support from professionals is available; and (iii) through nursing at home provided by the Special Infections Control Centre, whose specially trained staff help seropositive children after their discharge from the hospital;

(e) Medical confidentiality is strictly maintained;

(f) Hospitals with paediatric departments are obliged to admit seropositive children for hospitalization. The Aghia Sophia Children's Hospital has a Special Infections Unit to provide improved and more specialized services. This hospital also has an out-patients department for regular observation of the seropositive children. The Special Infections Unit is financed and supported from the budget of the Ministry of Health and Welfare and the Special Infections Control Centre, both for the provision of the necessary equipment and for its staffing with the required personnel;

(g) Hospitals are obliged to carry out all clinical and paraclinical testing of the seropositive children under observation;

(h) Instructions have been sent to all the schools of Greece on how to deal with minor injuries in the school so as to avoid the infection of pupils with various diseases (including AIDS);

(i) Earlier and more recent antiretrovirus drugs are administered free of charge;

(j) Free dental care is granted to low-income seropositive children at the Dental Clinic of the Special Infections Control Centre. In addition, dental care is provided by the Dental School of the University of Athens and by the Stomatology Department of the A. Syngros Hospital;

(k) Carriers, sufferers and, by extension, seropositive children have been included in the programme for the financial support of persons with thalassaemia minor, drepanocytic anaemia, microdrepanocytic anaemia and congenital bleeding disposition (haemophilia) and receive: (i) an allowance (whether they are insured or not); (ii) free passes for public transport,; and (iii) tax exemption.

Thalassaemia minor

253. The problem of thalassaemia minor is being coped with successfully in Greece thanks to the medical tests which are carried out on carriers of this form of anaemia. Thalassaemia minor is dealt with on three levels:

(a) Before children are born, through the identification of carriers of thalassaemia minor;

(b) At an early stage of pregnancy, with the identification of embryonic carriers of thalassaemia minor through modern medical testing;

(c) By lawful termination, if it is ascertained by modern means of prenatal diagnosis that the embryo is a carrier of thalassaemia minor and the pregnancy has not had a duration of more than 24 weeks (article 304, paragraphs 4-5, of the Criminal Code) (see also article 6).

All these services are provided free of charge in the public sector and in all cases allowances are granted (see also article 23).

254. In Greece, persons intending to marry are not obliged to undergo prenatal testing, but the family planning services provide the public with abundant information about the health services available.

255. Taking 1994 as year of reference, the statistical data for thalassaemia minor in Greece are as follows: 1,896 persons suffer from thalassaemia minor (88.76 per cent of all cases of anaemia), 164 from microdrepanocytic anaemia (7.68 per cent), 56 from drepanocytic anaemia (2.62 per cent) and 4 from intermediate thalassaemia (0.19 per cent). Of the total population of thalassaemics, the highest frequency is in the Prefecture of Attiki (696 patients), due to the concentration of population there. The Prefecture of Achaia comes second (131 patients) and the Prefecture of Thessaloniki (109 patients) comes third. Then the Prefecture of Ilia follows (100 patients), confirming the high concentration of thalassaemics in the western Peloponnese. The Prefectures of Larissa (99), Magnesia (79) and Karditsa (73) come next. The Prefectures of the Dodecanese, Ioannina, Arta, Euboea, etc. follow with small differences.

256. The order of the prefectures on the basis of the incidence of thalassaemia in the 0-15 years age group is not the same as that of the total number of thalassaemics, which means that the prefectures with higher concentrations in that age group are less effective in terms of preventive testing and public information. Attiki continues to come first - despite the better supply of information - with 25.8 per cent, followed by the Prefecture of Ilia with 9.29 per cent,

Achaia with 8.33 per cent, Larissa with 6.09 per cent and Thessaloniki with 4.1 per cent. Of the thalassaemic population 31 per cent comes from, or resides in rural areas, while the remaining 70 per cent of the patients come from urban areas.

257. As regards the age distribution of the population, the highest concentration is between the ages of 12 and 25 years. Of 2,060 questionnaire respondents, 3 were born thalassaemic, 8 were children aged 1 year, 8 were children aged 2 years, 10 were children aged 3 years, 21 were children aged 4 years, 19 were children aged 5 years, 41 were children aged 6 years, 22 were children aged 7 years, 35 were children aged 8 years, 30 were children aged 9 years, 43 were children aged 10 years, 59 were children aged 11 years, 77 were children aged 12 years, 77 were children aged 13 years, 81 were children aged 14 years, 90 were children aged 15 years, 100 were children aged 16 years, 103 were adolescents aged 17 years and 169 were adolescents aged 18 years. The low frequency of the disease in the younger age group is indicative of the success of the preventive policy, while the abrupt downturn in the older age groups reflects the increase of the number of deaths. The limit of 25 years is the average horizon of survival, beyond which the recorded population falls sharply.

258. In the same sample of 2,060 questionnaires, 69 persons aged 0 to 5 years were born during the period 1989-1994, 171 persons aged 6-10 years were born during the period 1984-1988, 384 persons aged 11-15 years were born during the period 1979-1983, and 583 persons aged 16-20 years were born during the period 1974-1978. The highest frequency was recorded in the 16-20 age group born during the period 1974-1978. The persons in this category were born in a period during which desiderosis, which radically changed the viability horizon, was being applied on a large scale. However, 6 per cent of the population of thalassaemics are under 25 years old.

259. According to the most recent data supplied by the Ministry of Health and Welfare, the number of persons suffering from thalassaemia minor at the end of 1997 was 3,171 and the number of persons suffering from drepanocytic syndromes was 500, of whom 300 are resident in Athens, central Greece and the Peloponnese while the remaining 200 come from northern Greece. The population of persons suffering from intermediate thalassaemia minor (haemoglobinopathy) is estimated at approximately 500 to 600 persons; many of these persons do not need medical care and consequently are not easy to survey.

Juvenile diabetes

260. In 1997, the National Centre for Research, Prevention and Treatment of Diabetes Mellitus and its complications was inaugurated and is now operating. It is a legal person under private law supervised by the Ministry of Health and Welfare and was established by Presidential Decree 339/1993 as a public welfare institution with the purpose of systematically managing and monitoring, cooperating with and supporting research activity on all levels, prevention, and the treatment of diabetes mellitus and its complications. In early 1998 a National Information Network will enter operation, connected with the Internet, to create a national database on diabetes mellitus and to support information services, interactive distance learning and telemedicine. The development of a system of magnetic cards for diabetics has also been provided for.

261. The conditions and mode of operation of out-patient diabetes departments and diabetes units of hospitals were determined by Ministerial Decision No. 7343/1990. At present, 35 diabetes centres and 73 out-patient diabetes departments are operating throughout the country.

Infectious diseases in migrant populations

262. The Ministry of Health and Welfare endeavours to control the infectious disease hazards posed by economic refugees and gypsies by carrying out studies and epidemiological research projects in these groups and by applying programmes of health education and mass vaccination in the camps and among the groups of refugees.

263. As noted elsewhere in the present report, primary and secondary health care services are available to all those resident in Greek territory from the hospitals of the National Health System, regardless of their nationality, and particularly where children and adolescents are concerned.

Health promotion measures

Promotion of breastfeeding

264. In 1990, the National Breast-Feeding Committee was established to promote and disseminate breastfeeding, which is at low levels in Greece. With the establishment of the Committee, 7 of the 10 measures recommended by WHO and UNICEF were adopted and public and private maternity clinics, paediatric departments and other units were informed about them.

265. In 1996, a World Breast-Feeding Week was established, from 1-7 November rather than 1-7 August when it is celebrated in other countries, for climatic and social reasons. The specific subject of celebration in 1997 was "Breast-feeding: nature's way". Inherent in this subject are: (a) the ability of woman to preserve life; (b) the advantages of breastfeeding, and (c) recognition of breastfeeding as the most ecologically sound feeding system in the world. The Elena E. Venizelou General Regional Hospital and Maternity Clinic, in association with the Ministry of Health and Welfare, organized a three-hour training course on breastfeeding for health professionals, a telephone advice line, screenings of films on breastfeeding, and meetings on the same subject.

266. The Marika Iliadi Maternity Clinic, which for many years has been promoting breastfeeding, has a telephone advice line for nursing mothers and provides the required support and technical assistance even in the first hours after delivery. In 1997 (1-7 November) the Marika Iliadi Clinic, in association with the Ministry of Health and Welfare, held a seminar to train instructors in breastfeeding.

267. In parallel with breastfeeding and in accordance with EU guidelines, the Ministry of Health and Welfare has introduced measures for the protection of infants in connection with the sale of milk for babies. Despite the strong objections of the businesses concerned, the rules are strictly enforced.

Vaccination

268. In the field of public health, great emphasis is placed on the national vaccination programme. Among the population of children, satisfactory levels of vaccination have been achieved as regards poliomyelitis, tetanus and diphtheria. The coverage for the other compulsory vaccinations is also satisfactory, and coordinated measures have been taken to raise it still further. The national vaccination plan for the year 1997-1998 is similar to that applied in many other European countries and follows the basic guidelines of the American Paediatric Academy, without, however, being completely identical to any other national plan.

269. Against the background of the success of the programme to eradicate poliomyelitis in Europe, and in particular in Greece, during 2000, it should be noted that: (a) since the end of last year, efforts to locate migrant populations and vaccinate them in situ have been stepped up; and (b) a Panhellenic Vaccination against Poliomyelitis Day has been planned for 1997. By virtue of Ministerial Decision No. 4543/1997 and within the framework of WHO instructions and the proposals of the National Vaccination Committee and the Scientific Committee for Hepatitis of the Special Infections Control Centre, the Ministry of Health and Welfare established a free National Vaccination Programme against hepatitis B on 1 January 1998. All newborn babies and all children reaching adolescence (sixth grade of primary school) will be vaccinated.

Environmental hygiene

270. Environmental hygiene in Greece is covered by the Constitution. Article 24, paragraph 1, of the Constitution provides that the protection of the natural environment constitutes an obligation of the State, which is obliged to take special preventive and punitive measures for its protection.

271. The existing prescriptive regulations concern: (a) the procedures for processing the drinking water supplied to the population and ensuring its general purity; (b) protection against atmospheric pollution, dangerous radiation, etc.; and (c) preservation of the cleanness of beaches, rivers, lakes, underground water, the proper treatment of liquid waste, toxic substances, etc. Although these regulations are continuously improving general environmental hygiene, there are problems regarding the environmental and the social impact of major residential interventions. Greece participates in EU action plans aiming at the creation of a healthy and harmonious environment for viable development. Programmes such as "Healthy Cities" are being implemented and are expected to record both the positive aspects of the current situation and improvements being made in the quality of life of children and families.

Measures to ensure that mothers receive optimal care before and after delivery

272. Care before and after delivery is granted free of charge by the State to any Greek woman (the cost is met in full by the social security funds). However, a high percentage of Greek women do not use these public pregnancy and delivery services, opting for the services of the private sector, which has grown significantly during the last 15-20 years.

273. Ninety-nine per cent of deliveries take place in private clinics and State hospitals and special measures have been taken to promote psychoprophylaxis. Maternal mortality in 1995 was 0.00 per cent.

Traditional practices

274. In Greece the application of any traditional practice involving damage to the child's health is prohibited. The application of traditional practices is in contravention of article 5, paragraph 1, of the Greek Constitution, which establishes the free development of the child's personality according to his/her own choices and wishes.

275. Under article 312 of the Criminal Code, the assault of a minor is declared to be a special offence punishable by more severe penalties than ordinary assault. More specifically, under this provision the crime of assault against a minor is committed by any person who:

(a) By continuous cruel behaviour causes injury or damage to the health of a person who has not yet reached the age of 17 years or cannot defend him/herself, or is under the protection of the perpetrator, or has been left in the perpetrator's authority by the person responsible for his/her custody;

(b) By malicious negligence of his obligations towards the minor, becomes the cause of his/her injury or damage to his/her health.

International cooperation

276. Since 1996, Greece has been taking part in the programme of the Development Assistance Committee (DAC) operating within the framework of the Organization for Economic Co-operation and Development (OECD) to finance developing countries. The provision of aid in the health sector has been assigned to the Ministry of Health and Welfare, which in the year 1997 appropriated a sum of 440 million drachmas for this purpose from the State budget.

277. To date, this aid has consisted mainly of the provision of medical care and equipment to developing countries. Countries to which the aid is granted are selected on the basis of the urgency of the need and the submission of a relevant request. The programme has a duration of five years, during which a total of 90 million drachmas will have been spent.

D. Social security and childcare services and facilities

(articles 26 and 18, paragraph 3)

Article 18, paragraph 3

278. Over and above the services referred to under article 18, paragraph 2, the following services and institutions are available for the children of working parents.

279. The following services and institutions are currently operating in Greece: 1,308 State day nurseries with a capacity of about 78,000 children (198 of which accept infants), and 131 State-run crèches with a capacity of about 10,500 children. Approximately 600 State day nurseries and crèches have been transferred to the municipalities, in accordance with article 42 of Law 2218/1994 (Government Gazette 90/1994) and article 9 of Law 2503/1997 (Government Gazette 107, volume A).

280. The institutions supervised by the Ministry of Health and Welfare operate a further 180 day nurseries and crèches with a capacity of 11,270 children. Charitable unions and associations operate 37 day nurseries with a capacity of about 4,500 children. There are also 1,080 private day nurseries, which are allowed to operate after obtaining a licence from the local prefecture and have a capacity of approximately 42,000 children.

Article 26

281. The Ministry of Health and Welfare applies a programme to support unprotected children by virtue of the provisions of Law 4051/1960 concerning subsidies for unprotected children. Under this programme, a monthly allowance is paid to each unprotected child on the condition that the monthly family income is low. This monthly allowance amounts to 15,000 drachmas. A total of 39,955 children, in 19,354 families, are subsidized.

282. This allowance policy has provided significant support for children who, for various reasons, do not have the protection of their natural father. However, under current conditions (level of the allowance, financial criteria for the granting of the subsidy, non-eligibility of children not protected by their mother), the programme is not seen as completely meeting the purpose for which it was established. The appropriation approved for 1996 is not, however, sufficient to allow major revisions to the programme.

283. Financial benefits for motherhood are paid to working women who are not entitled to receive them from a social security fund or are not insured for the six weeks prior to delivery and six weeks after it, to allow them to obtain a satisfactory standard of living. Such support is granted in execution of article 4, paragraph 5, of Law 1302/1982, which ratified the ILO Maternity Protection Convention (No. 103). The sum of the pecuniary benefits currently amounts to 150,000 drachmas, and about 1,000 mothers all over Greece receive it each year.

284. Support for families with children with special needs is granted on the basis of the general rule of support for these categories (see also article 23 concerning allowances for blindness, deafness, cerebral palsy, paraplegia and tetraplegia, mental retardation, etc.).

285. In cases of placement in foster families, apart from these benefits, additional support is also granted to the family which has undertaken the child and is proportional to the severity of the case (reaching quite high levels for children who are HIV-positive). The economic situation of the family is taken into account, indirectly, by subsidy programmes for those without social security, and the benefits received from other foundations for the same reason will be jointly assessed.

286. The main State child protection foundations are: the Patriotic Institution for Social Care and Welfare (PIKPA), whose operations are governed by statutes such as Royal Decree 170/60, Royal Decree 668/62 and Law 2082/92; the National Welfare Organization, which was established in 1947 as "Welfare in the Northern Parts of Greece" and was given its present name by Legislative Decree 572/70, and is also governed by Law 2082/92; and the Metera Babies' Centre, whose operations are also governed by Legislative Decree 572/70, as amended by Presidential Decree 630/80 and Law 2082/92.

287. All these institutions offer specialized and individualized services to children and parents in special psychosocial conditions. More specifically, they provide:

(a) Institutional and non-institutional protection for unmarried mothers and their children, abused and neglected parents and children (crisis units) and unprotected children;

(b) Programmes and activities of child protection;

(c) Adoption (domestic or international) of the children under protection by them. The Metera Babies' Centre, in particular, carries out adoptions in response to applications from prospective adoptive parents from all over the country;

(d) Fostering programmes;

(e) Day nurseries;

(f) Allowance policy, after assessment of the socio-economic needs of the family;

(g) Studies and proposals (when requested by the Ministry) on matters relevant to their objectives.

288. Within the framework of the more general objectives of these institutions, studies are conducted of the development and dissemination of principles and methods in connection with the physical and psychological growth and social well-being of children and of the promotion of relevant legislation.

289. Programmes have been implemented to support mothers, unprotected children, working parents, and the family in general, and the prospects of reinforcing, extending and improving these programmes are being studied with the aim of establishing a complete welfare system in the field of child protection, if the appropriate financial conditions can be met.

290. The National Welfare Organization has a direct social and psychological support line entitled "Social Aid - 197", on which people in difficulties or facing problems can obtain help over the telephone. People of all ages (children, adolescents, adults, the elderly) with social, psychological, financial and health problems may dial this number.

E. Standard of living

(article 27, paragraphs 1-3)

291. The child's right to an appropriate standard of living to foster his/her physical, mental, psychic, moral and social development is protected, in general terms, by Greek legislation.

292. According to paragraphs 2 and 3 of article 27 of the Convention, responsibility for the provision of the means necessary for the growth of children belongs mainly to the parents or other persons responsible for the children, while the State is under the obligation to introduce measures to help parents to exercise this right. The Greek allowance policy to improve conditions for the development of children is described under article 6, paragraph 2, and article 26.

293. Inter alia, the Greek State encourages and often finances the efforts of private enterprise in the form of associations or institutions addressed to children and aimed at the improvement of the physical and mental health of children. The central authority competent to supervise these institutions is the Minister of Health, while in the regions supervision is exercised by the prefects. Such institutions are self-governing and may be brought under State supervision and subsidized by the State only with their own consent. Such institutions are the Patriotic Institution for Social Care and Welfare (PIKPA), which is the largest child welfare agency in Greece, the Metera Babies' Centre, and Pammakaristos, all of which have been brought into the public sector.

294. The status of incorporation into the public sector has the advantage of strengthening of the efforts of the State, which, due to lack of resources and poor organization, often remain incomplete, by private enterprise. However, there are also serious disadvantages, the most important of which is that these institutions, originally legal persons under private law, tend to become dysfunctional when incorporated into the public sector and to react more slowly to problems when they arise. Supervision of them remains slack, and they are often unable to work with the desired efficiency. These problems are particularly marked in the sectors of child mental health and persons with special needs.

VI. EDUCATION, RECREATION AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

(article 28)

295. Greek children may start their schooling in kindergarten. Under a recent law (Law 2327/1995), the age of enrolment in kindergarten was increased by approximately six months. Attendance at kindergarten lasts two years, and infants may be enrolled if on 31 December of the year of enrolment they have reached the age of four years. During the school year 1992/3, 135,822 infants aged three and a half to six years were enrolled in the public and private kindergartens, of whom 95.6 per cent attended public kindergartens. It is estimated that the overwhelming majority of infants attend kindergarten.

296. Similar legislative changes were made to the starting age for primary education. Under the law referred to above (art. 10), Greek children may be enrolled in the first grade of primary school if on 31 December of the year of enrolment they have reached the age of six years. The increase by six months of the age of enrolment in kindergarten and in primary school was considered desirable for educational reasons and with the ultimate aim of reducing the likelihood of the appearance of learning difficulties and of preventing school failure.

297. Compulsory education lasts nine years, divided into two sections (primary school and junior secondary school), and may be completed if the pupil has reached the age of 16. Penalties are provided for by the law and the Civil Code for parents or guardians who infringe the relevant legislation.

298. Attendance at primary school lasts six years. During the school year 1992/3, 753,401 pupils attended primary school, of whom 92.7 per cent attended State primary schools. However, according to the last four censuses (1961-1991), there has been a continuous drop in the number of pupils attending primary school. The number of pupils decreased from 921,262 in 1961 to 791,224 in 1991 - a percentage change of 14.1 per cent. This decrease is principally the result of the low birth rate of the Greek population (1.42 children per woman of reproductive age in 1990), and it has had serious consequences on schools, especially in rural areas, where the number of schools which have to close or merge with neighbouring schools is continuously increasing.

299. The second part of compulsory education - junior secondary school - lasts three years and is also the first section of secondary education. All junior secondary schools are day schools, but there are also night schools for pupils who work and, for various reasons, did not manage to complete compulsory education within the statutory age limits. During the school year 1992/93, 450,286 pupils attended the junior secondary schools, of whom 95.8 per cent attended State schools. The number of pupils increased from 175,430 pupils in 1961 to 446,861 pupils in 1981 and 439,245 pupils in 1991. The significant increase (155 per cent) over the period 1961-1981 was the result mainly of the introduction of nine-year compulsory education by the educational reforms of 1976.

300. During the decade 1981/92-1991/92, the percentage of pupils dropping out of compulsory education (junior secondary school) fell from 23.0 per cent to 9.6 per cent. Although the situation has improved significantly, the percentage of pupils dropping out of secondary school was higher among boys than among girls, in rural than in urban areas, in neglected urban than in privileged urban areas, and in the island than in mainland areas. The last fact is connected with the growth of the tourist labour market in island areas, which clearly functions as a substitute for the school for young pupils.

301. In 1999, a proposal for a pilot supportive teaching plan in Greek language, mathematics and science to be applied in 136 schools (15,000 pupils) was submitted within the context of Community Support Framework II and the National Action Plan for Employment. The new pilot programme takes into account the problems encountered during the application of such projects to date (such as a lack of technological infrastructure, inadequate training for teachers, the

absence of any relevant curriculum and educational materials, irrelevancy to the social and geographical environment of the pupils, etc.) and is aimed at achieving the qualitative and quantitative targets of supportive teaching.

302. For primary school pupils facing more serious learning problems, Law 603/1982 allows ordinary schools to establish special classes. During the school year 1994/95, 602 special classes operated in primary schools in Greece and were attended by about 9,000 pupils. Special classes allow a degree of individualization of teaching in some subjects, while at the same time not isolating the pupils from their natural environment. Even so, some shortcomings have been identified (such as inadequate numbers of special teachers and special curricula) and these will have to be dealt with if the institution is to succeed.

303. After completing nine years' compulsory education (six years of primary and three years of secondary education), pupils may enrol, without examinations, in senior secondary school. Since the recent educational reform of 1997/98, which abolished the different types of senior secondary school and established the uniform senior secondary school, pupils may enrol either in the three-year uniform senior secondary school or in one of the technical/vocational educational foundations.

304. The uniform secondary school is an amalgamation of the general senior secondary school (without specialization) and the technical senior secondary school (with a high degree of specialization). The first year is a year of orientation, with the emphasis on general education. During the second year, general education is less important and three streams are introduced (arts, sciences and technology). During the third year, general education plays a still less central role and pupils take one of four courses (the technology stream is divided into two courses). The uniform senior secondary school leads on to studies in the institutions of higher education (universities) and technological educational foundations (see paragraphs 310 and 311 below for the requirements).

305. The technical/vocational educational foundations offer three years of education and are divided into two courses of study: a two-year course leading to a Level Two certificate and the labour market, and a three-year course (the first two years of the other course, plus one year), leading to a Level Three certificate and the labour market. After completion of the three-year course of study, students are eligible for admission either to vocational training foundations or to the technological educational foundations (higher education). Admission to the technological educational foundations involves entrance examinations and presupposes 16 months of employment, requirements which have caused some objections.

306. Pupils may transfer from the uniform senior secondary schools to the technological/vocational educational foundations and vice versa.

307. During the second year of application of the most recent educational reform, about 180,000 pupils attended the first and second years of the uniform senior secondary school and 62,261 pupils attended the first and second years of the technological/vocational educational foundations. The number of pupils attending technological/vocational educational foundations is expected to increase significantly during the third year after the establishment of the uniform

senior secondary school, given that the highest failure rates in the examinations of the second year of the uniform senior secondary school were observed in schools which were formerly technical senior secondary schools.

308. Over the period covered by the last four censuses (1961-1991), there has been a steady rise in the number of pupils enrolled in the senior component of secondary education, both in comprehensive and in technical/vocational education. In the case of comprehensive senior secondary education, the number of pupils increased from 97,960 in 1961 to 256,245 in 1991 (that is, by 162 per cent). In the case of technical/vocational education, the number of pupils increased from 85,716 in 1971 to 164,537 in 1991, an increase of 92 per cent, considerable but nonetheless smaller than that in comprehensive education. These increases are connected both with the introduction of nine-year compulsory education and with the increased demands of the labour market.

309. With the establishment of the uniform senior secondary school in 1997, the system by which pupils took various groups of subjects in the third year of senior secondary school was also abolished. That system provided for admission to universities after Panhellenic examinations in four or in some cases, five subjects. Admission to the universities and the technological education foundations depended exclusively on the performance of the secondary school graduates in these Panhellenic examinations. Under the new system, admission to universities and technological educational foundations depends mainly on the final grade of the uniform senior secondary school leaving certificate, which is calculated on the basis of the scores pupils achieve in Panhellenic examinations held in the second and third years of senior secondary school in 12 to 14 subjects (general education, special stream, optional courses). (See paras. 316 and 317 below for the other two requirements for admission to the universities and technological education foundations.) During the first three years after the introduction of the uniform senior secondary school system, pupils' grades in foreign languages will not be taken into consideration, given the inequalities in teaching between the provincial and urban senior secondary schools of Greece.

310. The new system has obviously led to heightened examination demands, and this is expected to have repercussions which will include increased attendance at private tutorial schools (the "para-education" system). However, Ministry of Education officials believe that the new system will make secondary school graduates more competitive in the new conditions of the international labour market and that its impact on "para-education" will be of a transitional/temporary character, until the alternative systems of additional teaching support take effect and parents' mentality begins to change.

311. At present, there are no data about the drop-out rate from the uniform senior secondary school or about transfers from uniform senior secondary schools to technical/vocational foundations and vice versa, given that the educational reforms were only introduced recently. The failure rate in the Panhellenic examinations in the second year of the uniform senior secondary school was 30 per cent. There is also evidence that the failure rate was higher in uniform senior secondary schools which had formerly been technical/vocational senior secondary schools than in those which had been general senior secondary schools. However, in the first year of application, pupils who failed to pass the examinations of the second year will receive a second chance, being eligible for re-examination in September (1999). Pupils who pass

these examinations will attend the third year of the uniform senior secondary school as normal, while those who fail will either repeat the second year or switch to a technical/vocational foundation or leave school and join the labour market.

312. In order to deal with the problem of the school drop-out rate and learning difficulties in the more advanced sections of secondary education (that is, in the uniform senior secondary school), provision has been made for the operation of departments of additional teaching support in the following subjects : Ancient Greek, Modern Greek, Mathematics, Physics and Chemistry. These departments operate inside schools and are optional for pupils wishing to attend them. It is expected that the departments of additional teaching support - if and when they operate according to the specifications - will contribute substantially to the fight against "para-education" (private tutorial schools), especially for pupils in the lower income brackets.

313. For children with very serious problems (e.g. physical disabilities, mobility problems or mental deficiency), special schools have been established and are operating. In the school year 1994/95, 179 special primary and secondary schools were operating in Greece (including junior and senior secondary schools and technical/vocational schools). These schools were attended by 4,200 pupils of primary and 600 pupils of secondary education. In addition to the ordinary teaching staff, these schools employ 200 special teachers (psychologists, social workers, speech therapists, occupational therapists and special tutors). The supervision of these schools, at least in primary education, is conducted by the special education school advisers.

314. The Ministry of Education and Religious Affairs will soon be tabling in Parliament a bill on the reorganization and upgrading of the special education offered in the primary and secondary systems.

315. Since the introduction of the uniform senior secondary school, admission to tertiary education (universities) and the technological education foundations has been a factor of: (a) the grade of the school leaving certificate, calculated on the basis of average term grades and the written Panhellenic examinations in the second and third years of the uniform senior secondary school; (b) the achievements of the candidates in general skills tests; and (c) their marks in two specially weighted subjects, depending on the subject and faculty they wish to enter. The grading scale is calibrated from 0 to 20 and the three criteria of admission are multiplied by coefficients of importance of 7.5, 1.0 and 1.5, respectively, thus meaning that students score on an overall scale of 0 to 200. It will be obvious that the greatest emphasis in admission to universities and technological education foundations falls on the marks gained in the uniform senior secondary school leaving certificate.

316. The new system of admission to the universities and technological education foundations will apply for the first time in the school year 1999/2000, and it is thus too early to estimate its efficiency as regards the number of pupils admitted to the universities and technological education foundations. Before the most recent educational reforms, about one third of the annual total number of candidates (40,000-50,000) were admitted to the universities and the technological education foundations. The remaining two thirds either repeated the examinations, which they were eligible to do in the next two years, enrolled in higher education abroad, attended branches of foreign universities operating in Greece, or joined the labour market. According to government estimates, after the introduction of the uniform senior secondary

school and the abolition of the system of groups of subjects the number of pupils admitted to the universities and technological educational foundations is expected to rise by 8 per cent per year during the period 1998-2000, reaching 85,000 students in the academic year 2000/01. However, teachers' organizations doubt whether this target will be achieved in view of the increase in the number of the subjects examined for admission to the universities and technological education institutions. After the school year 1999/2000 it will be possible to assess the new system as regards the number of pupils admitted to the universities and technological educational foundations and their distribution through the various departments and faculties, and as regards the efficiency of the new system in reducing inequalities, dealing with "para-education" (private tutorial schools) and preventing student emigration, etc.

317. In order to deal with the problems arising from the system of groups of subjects, strengthen the ability of young people to adapt to a continuously changing society and contribute to keeping students in Greece, the State has introduced new forms of senior secondary and post-secondary education, including: (a) the establishment of departments in public and private senior secondary schools for the conditional award of the International Baccalaureate (Law 2327/1995, art. 10, para. 23); (b) the creation of public and private vocational training foundations (Law 2009/1992); (c) the abolition of the various types of senior secondary school and the introduction of the uniform senior secondary school; and (d) the establishment of life-long education (e.g. optional courses of study in the universities, the technological educational foundations, the Greek Open University, etc.). Even senior secondary school graduates may enrol in life-long education courses, which award degrees equivalent to those of conventional courses, without entrance examinations. This has given rise to objections among isolated groups of students who enrolled in the universities after passing entrance examinations.

318. The vocational training foundations were established in 1992 (Law 2009/92). During the spring semester of 1999, 125 public and 90 private vocational training foundations were operating, with 49,456 (30,706 and 18,750) students. During the seven years since their introduction (1992-1999), the number of public vocational training foundations increased from 59 to 125 and of private foundations from 73 to 90. The total number of trainees increased from 26,592 to 49,456. The considerable impact of these foundations is connected with the impression in the minds of students that attendance at a vocational training foundation will give them the upper hand in the labour market. It is also expected that the vocational training foundations will act as a constraint on emigration for studies among graduates of secondary education.

319. Greece has 18 institutes of higher education (universities) and 14 technological education foundations (TEIs), distributed throughout all the geographical areas of the country. Courses of study in the universities last from four to six years, and those of the TEIs three to four years. In the academic year 1993/94, 109,335 students attended the universities and 77,928 TEIs. Of all the OECD countries, Greece in 1994 had the highest percentage of participation in the 18-21 age group in higher education (universities and TEIs): 28.9 per cent. The average for the OECD countries was 15.9 per cent. In the other age groups, the participation of Greeks in tertiary education was low.

320. Historically, and during the period of the last four censuses (1961-1991), the number of both university and TEI students has increased. The number of university students rose from 25,658 in 1961 to 117,980 in 1991 (an increase of 360 per cent). The number of TEI students rose from 2,571 in 1961 to 81,672 in 1991 (an increase of 2,869 per cent). These increases reflect the increased importance of university degrees in the competitive European work market, the traditionally high expectations of Greek parents in connection with university studies, and also the efforts made by the State to retain human resources in the country by constantly increasing the number of students admitted to the universities and TEIs.

321. Since the introduction of the educational reforms and under the new legislative status governing school careers advice (Law 1566/1985 and Law 2525/1997), school careers advice is now available in the third year of junior secondary school and in the first year of the uniform senior secondary school. Provision has been made for school careers advice to be provided in technical/vocational foundations within the framework of the subject entitled "The Labour Environment" and taught by the various sectors.

322. In recent years, organizational infrastructure has been set up to support school and vocational career counselling. Presidential Decree No. 232/1998 established the National Career Counselling Centre. Funding from Community Support Framework II has made possible the operation of 68 prefectural career counselling centres, and school career counselling offices have been opened, initially, in 200 school units. A school career counselling office for individuals with special needs operates in the Institute of Education. CSF III funding is expected to enable the establishment of school career counselling offices in the technical/vocational foundations.

323. All the career counselling centres and the school career counselling offices will have Internet access and links to the Institute of Education, on which electronic communications will focus.

324. During the academic year 1995/96, the University of Athens organized a postgraduate course to train career counselling staff and meet the needs in this respect of the educational system.

325. It is estimated that the new courses of study, the new organizational and electronic infrastructure and the training of special staff will contribute significantly to improving the quality of the school and vocational career counselling available to young people.

326. Laws alone are not enough to protect children's rights. In parallel, infrastructure appropriate for the provision of high-quality and individualized education should also exist. This means the existence of competent teaching staff, laboratory infrastructure and buildings, and, more generally, that the appropriations for the education of young people should be adequate.

327. Law 1566/1985, which is fundamental to the educational system, sets the ratio of pupils to teachers at 30 to 1 for primary school and 35 to 1 for junior and senior secondary school. In practice, however, the ratio is better than that required by law. In the school year 1993/94, the ratio was 16 to 1 in pre-school education, 19 to 1 in primary school, 15 to 1 in junior secondary

school, 13 to 1 in senior secondary school, 16 to 1 in schools of higher education and 13 to 1 in the universities. These ratios are for the country as a whole, and the picture would be rather different (and to some extent worse for the urban areas) if a regional analysis were carried out. The OECD figures do not clarify whether the numbers of teachers also include those seconded to other civil services, who might contribute to even a small improvement in the pupil-teacher ratio.

328. The existence of laboratories in schools is a precondition for the consolidation of theoretical knowledge. According to the findings of an assessment of Community Support Framework I during the school year 1988/89, laboratories were available in 1,032 out of 1,653 public secondary schools (62.4 per cent). The 68 private secondary schools then operating had 91 laboratories, which means that some had more than one laboratory. There are no corresponding data for the senior secondary schools, about the extent to which the laboratories are fully equipped or fully used, or about the training of teachers in making the most of the laboratories. By comparison with the other countries of the European Union where experimental teaching takes between 20 per cent and 50 per cent of teaching time, in Greek schools the figure is less than 10 per cent and consists of no more than occasional experimental demonstrations. The State is aware of the position and is making efforts to improve it through Community Support Framework II, with the extension of natural science laboratory centres (11 such centres are already operating) to all the prefectures, the production of material for teachers and pupils, and the continuous training of teachers.

329. Another important problem is that of buildings and the lack of adequate space to accommodate schools. On the national level, it is estimated that in 70 per cent of school units two or more schools share the same building. The situation is worse in the major urban centres. This means that most schools operate in morning and afternoon shifts and on an alternate attendance system, with the pupils having classes in the morning one week and in the afternoon the next. In effect, this means that teaching has to be compressed, that the all-day school, with adequate play breaks for pupils, is impossible to implement, and that the biological rhythm of the pupils is disturbed. In the short term, the State has attempted to deal with the problem by leasing private buildings and converting them into school classrooms. However, these buildings were constructed for different purposes and do not meet the requirements of education. The State is aware of the seriousness of the problem and is working hard (within Community Support Framework II) to solve it. According to the estimates of the President of the School Buildings Organization (3 January 1997), 25,800 new classrooms are needed, 8,900 of them in the Greater Athens area. If there are no bureaucratic complications, the work of constructing these classrooms, which would mean morning school only for all pupils, could be completed within three years.

330. A recent law (Law 2327/1995) introduced the establishment and operation by prefectural local government of educational support centres, whose work will be: (a) the establishment and operation of conventional and electronic libraries; (b) the creation of work and study rooms for school Advisors; (c) the provision of venues for congresses, meetings, teacher training and cultural events; and (d) the establishment of a computer network for teachers.

331. Obviously, the qualitative upgrading of education and its infrastructure cannot be achieved without an increase in the State appropriations for education. By comparison with the other countries of the European Union, Greece spends the lowest percentage of its gross domestic product on education: 3.4 per cent. By comparison with the other OECD countries, Greece, which allocates 3.3 per cent of its GDP for education, is last but one, followed only by Turkey. The average spending of the OECD countries is 5.3 per cent of GDP. In the case of Greece, this spending does not include private spending by parents, which would probably bring the figure up to 6.5 per cent of GDP. However, the State appropriations of Greece for education could be significantly increased if there were to be a reduction in the tension caused by one of the country's neighbours, with its continuous threats and violations of international law.

B. Aims of education

(article 29)

332. A number of laws (e.g. Law 1566/1985, Law 1892/90 and Law 1946/91) clearly state the objects of Greek education. The basic target of primary and secondary education, according to the fundamental Law 1566/1985, is to contribute "to the complete, harmonious and balanced development of the intellectual, psychological and physical powers of the pupils, so that, regardless of their gender or origin, they may become integrated personalities and live in harmony". More specific provisions (a) protect and reinforce pupils' right to religious liberty; (b) encourage respect for their own cultural heritage; (c) promote the development of a spirit of friendship, cooperation and peaceful coexistence with all the other peoples of the earth; and (d) promote the protection of the natural environment.

333. The right and freedom to profess and practise any religion are inviolable (article 1 of Law 1566/1985). By a circular on this subject, the Ministry of Education has exempted pupils of other creeds from the subject of religious education, as well as from all the other religious activities (morning prayers, etc.).

334. Corporal punishment as a means of correcting children has been prohibited by the law, Presidential Decrees (483/1977, 497/1981) and circulars to the schools (e.g. No. 2581/1978), because it is an offence against human dignity and may create traumas with unforeseeable consequences for the subsequent development of children into responsible and integrated personalities.

335. The children of foreign nationals, foreign workers and members of minorities have the inalienable right to enrol in the State schools of Greece, without discrimination. This right derives from the right of religious freedom, from respect for the individual regardless of origin, and from the policy of the European Union of equal treatment of the children of migrants.

336. In the Greek educational system, the children of Greeks from abroad and repatriated Greeks and the children of migrant foreign workers are enrolled without discrimination, regardless of the legal status of their parents (circular of 20 September 1995 from the Ministry of Education). During the school year 1995/96, 44,093 children of Greeks from abroad and of

foreign nationals attended primary and secondary schools, of whom 29,502 were the children of Greeks from abroad/repatriated Greeks and 14,591 were the children of foreign nationals. Of the total number of foreign children, 9,275 (63.6 per cent) were of Albanian origin.

337. In order to meet language needs and the smooth integration of the children of repatriated Greeks and Greeks from abroad, the State has established and now operates reception classes, special tutorial departments and special schools. The reception classes, the tutorial departments and the schools for repatriated Greeks may also be attended by the children of foreign nationals. During the school year 1995/96, the number of children of Greeks from abroad and foreign children attending the reception classes and the tutorial sections was 14,106, of whom 3,372 (23.9 per cent) were children of foreign nationals. The schools for repatriated children were attended, during the school year 1994/95, by 1,544 children, mainly children of repatriated Greeks and Greeks from English-speaking countries (the United States of America, Canada, Australia, South Africa) but also from the countries of the former Soviet Union.

338. Little systematic research to evaluate these integration institutions has been carried out. The findings of the few projects conducted in connection with the impact of the tutorial sections on school performance are contradictory. The most geographically representative project found positive influences, but a geographically limited project concluded that the influence was negative (attendance at such classes is associated with poorer school performance). Where social adjustment and integration are concerned, there are indications that special schools may increase isolation, ghettoization and even the re-emigration of pupils, but no systematic comparative research into all the new institutions has yet been carried out. School advisers have made various suggestions about the ways in which the operation of the reception classes and the tutorial departments could be improved (with, for example, special education and training, special curricula, special bilingual material, increased teaching hours). Suggestions about the improvement of the education provided for the children of Greeks from abroad, foreign nationals and minorities have also been submitted to Community Support Framework II. However, the quality of the education provided to the children of foreign nationals is expected to improve with the "normalization" (legalization) of the status of residence of illegal foreign workers, a process which the Ministry of Labour has already set in motion (Law 2434/1996).

339. Apart from the special schools and the special integration institutions, Greece also has a number of separate primary and secondary schools for foreign nationals and minorities. The foreign schools tend in effect to be school complexes, consisting of pre-school, primary and secondary facilities. A total of 23 such school complexes have been established and are operating, of which 7 provide pre-school, primary school and secondary school education (junior and senior), 10 junior and senior secondary school education, 5 primary and secondary education (junior and senior) and 1 pre-school, primary and junior secondary education. Of the 23 school complexes, 9 operate with a purely foreign curriculum, 10 with a Greek curriculum and 4 with a mixed curriculum. The foreign schools are addressed mainly to the children of the members of the diplomatic corps or of businessmen, and they are orientated largely towards the countries of Western Europe and the United States of America. These foreign schools are open to the children of repatriated Greeks, pupils who are considering studying abroad, and children of families attracted by the educational system of another country. During the school year 1995/96, 11,232 pupils attended schools of this kind, and it is estimated that 15 per cent of them were of Greek origin.

340. The minority schools are confined geographically to the region of Thrace and are addressed to the children of the Muslim minority: specifically, to the children of parents of Turkish descent, Pomaks and Roma (Gypsy). During the school year 1994/95, 231 minority primary schools were operating in Thrace (117 for pupils of Turkish descent, 72 for Pomak pupils, 7 for Gypsies and 35 for children of all origins), with 8,628 pupils and 778 teachers (422 Muslims and 356 Christians) as well as 9 exchange teachers from Turkey. There were also 12 secondary schools (junior and senior), with 774 pupils and 73 teachers (Muslims and Christians, as well as 7 exchange teachers from Turkey). During the school year 1994/95 a significant number (1,200) of Muslim children attended the State secondary schools (junior and senior) of the region.

341. Studies on the drop-out rate in primary education have found relatively high percentages for the region of Thrace. In the school years 1988/89, 1989/90 and 1991/92, the drop-out rates from secondary education were, respectively, 20.7 per cent, 17.0 per cent, and 16.9 per cent. It is possible that the Muslim minority is responsible to some extent for the relatively high drop-out rate in the region, a hypothesis which is confirmed when analysis is confined to the minority schools. In the school year 1994/95, 6.5 per cent of the pupils of primary education dropped out or failed, while in secondary education the rate rose to 19.2 per cent. However, the rate in Thrace is not the highest: nationwide research revealed that other regions, such as Crete and the Ionian Islands, had higher school drop-out rates. Apart from the tourism factor, which has already been mentioned in this connection, the agricultural occupations of the population and certain minority considerations (parents' expectations, linguistic difficulties, etc.) may have a role to play in the phenomenon. Proposals to improve the education provided in minority schools have been submitted to Community Support Framework II.

342. Given the increased multiculturalism of the European Union, the free movement of working people, the repatriation and return of Greeks from abroad, and the fact that during recent years Greece has become an immigrant-receiving country, the Greek State has established the legislative framework (Law 2413/1996) for: (a) the establishment of cross-cultural sections and classes; (b) the conversion of existing State schools into cross-cultural schools; and (c) the establishment ab initio, with the approval of the appropriate prefectural council and the Institute of Greeks from Abroad and Cross-Cultural Education, of State or private cross-cultural schools. The Institute of Greeks from Abroad and Cross-Cultural Education was established by the above-mentioned law and is responsible for preparing special curricula and compiling textbooks both for Greek children abroad and the pupils who will attend the cross-cultural sections, classes or schools.

343. The overall development of pupils' personality (physical and mental growth) is achieved by a variety of means in the educational system, including the regular courses of study, an interdisciplinary approach with the inclusion of wide-ranging thematic material in the curricula, and also the organization of various school activities. On the basis of the relevant laws (1566/85, 1892/90, 1946/91), the Ministry of Education has sent schools a number of circulars on the organization of cultural and scientific events for the protection of the natural environment. These activities are optional and are organized on the initiative of teachers, working with local scientific and other agencies.

344. In the field of health education, the circular provides for the organization of events related to preventive medicine and the prevention of cancer, smoking, drug abuse, AIDS, and traffic and other accidents. School visits by specialists and experts are organized (e.g. the anti-substance abuse services of the Ministry of Health and Welfare, and the Traffic Police of the Ministry of Public Order). Leaflets are distributed, and film and slide shows are held. The newly established Organization to Combat Drugs (OKANA) has held a number of successful experiential seminars within its primary prevention programmes, with the participation of secondary teachers, health promotion staff, parents and school-pupil councils, and it is hoped that these will have a generative effect. On the initiative of the Ministries of Education and Health and Welfare (under Law 1894/90 and Presidential Decree 445/1993), nine Youth Counselling Centres have been set up in the major urban centres and will be staffed with doctors, psychologists and social workers. They are designed to apply and supervise health education programmes, and to meet the psychosocial needs of school units and sensitize the broader community on matters of health education. By virtue of a decision of the Ministry of Education, 44 health education supervisors (teachers) have been placed in an equal number of directorates of secondary education, while, in parallel, a proposal has been submitted for the extension of the system to all 57 directorates of secondary education so as to develop a national network of health education supervisors.

345. Protection of the natural environment is an integral part of the Greek Constitution (art. 24) and plays a significant role in the Greek educational system. By decision of the Minister of Education, environment supervisors have been placed in 112 directorates of primary and secondary education in order to promote and coordinate environmental activities in the schools of their jurisdiction. During the period 1983-1995, 6,800 environmental projects were organized, with the participation of 20,000 teachers and 160,000 pupils. Although this number appears impressive, it is not particularly satisfactory when it is borne in mind that it covers a 12-year period and that the total number of pupils amounts to 1.5 million and of teachers, 100,000. A proposal has been submitted to the Community Support Framework for the establishment of environmental education centres on a decentralized basis, for the training of teachers, for the production of supportive material, as well as for the interdisciplinary integration of environmental protection into the school curricula.

346. The incorporation of topics such as health education and environmental protection into Community Support Framework II and the establishment of the necessary infrastructure on a decentralized basis will unquestionably contribute to the better organization and efficiency of the activities involved, to the benefit of pupils and society. However, these activities will remain optional. It is necessary, consequently, for the authorities to focus on interventions which will integrate environmental protection and health education with other topics on an interdisciplinary basis (e.g. sexual equality, peaceful coexistence, traffic accidents, human rights and sex education) into the regular courses of study. Such an approach has been already proposed for environmental protection and road traffic education within the framework of the Interparty Committee for Traffic Accidents. Given that the curriculum and children's timetables are already overburdened, to an extent which does not allow the introduction of new subjects, the interdisciplinary approach remains the only solution for matters of vital importance in pupils' development. The incorporation of interdisciplinary subjects into the school curriculum, at all levels of education, will also make school activities more meaningful.

C. Leisure, recreation and cultural activities

(article 31)

347. By a number of laws, presidential decrees and circulars, the Greek State has contributed to the establishment of infrastructure for the organization of cultural events intended to develop the creative inclinations of pupils, promote teamwork and the culture of social skills, foster socialization in the political and economic system of the country, and provide services for working parents. The basic provisions of Law 1566/1985 (arts. 45, 46, 47) deal with the issuing of decisions for the establishment and operation of school communities and school cooperatives, together with the organization of sporting and cultural events.

348. Apart from dealing with health and environmental education, as already noted, Ministry of Education circular No. 4867/1992 allows teachers to organize scientific, cultural and artistic events in their schools, on an optional basis. Although the events in question are not systematically recorded or classified, in the artistic field, the Ministry of Education (Directorate of Secondary Education) has organized a number of national competitions (in the ancient drama, modern theatre, music and painting) in association with the Youth Secretariat and the Federation of Secondary Education Teachers. These competitions are fully organized and prizes are awarded in two stages (regional and national). The winners of the Panhellenic painting competitions are put forward by the Ministry of Education for participation in European exchange networks. During the school year 1995/96, 7,556 junior and senior secondary school pupils took part in the painting competitions (2,107), music competitions (1,419) and drama competitions (4,030). These competitions are supplemented by other competitions for painting, poetry, composition, one-act plays, etc., organized by other agencies on subjects such as human rights, environmental protection and protection against natural disasters.

349. Within the framework of the circular on the organization of cultural events (Y4/4867/1993) the school community (pupils and teachers) may issue newspapers or magazines and set up school libraries. In the school year 1995-1996, 180 school publications were issued and circulated (school newspapers, magazines, etc.) on the initiative of groups of pupils. Some of these were awarded prizes by well-known press organizations. In addition, and on the initiative of the Institute of Education, the National Technical University of Athens and the Institute of Linguistic Development, an electronic newspaper was issued within the framework of the Telemachos network. The network connects secondary schools in the Greater Athens area with small primary schools on the border islands of the Aegean and could be extended to cover the whole country. It has access to the WWW and operates on the basis of multimedia principles. On the initiative of the Directorate of Education of Greeks from Abroad and Cross-Cultural Education (formerly the Directorate of Education of Greek Children Abroad), a magazine entitled Balloon (Aerostato) is published for Greek children abroad.

350. In order to broaden the collections of school libraries with books other than textbooks for pupils, teachers and local residents, the Ministry of Education has set up a National Committee, and this is now operating (Law 1566/1985, art. 43). The members of the Committee include writers, publishers, representatives of teachers' associations, librarians and representatives of the Ministry of Education and the Institute of Education. The Committee's work is the evaluation and approval of books. The books approved are listed and circulated to schools, and the local

school committees, in cooperation with the school advisers, may choose books for their library from the list, depending on their needs. The enhancement of school libraries is considered particularly necessary in view of the introduction of qualitative evaluation and of group creative work in schools.

351. Law 1566/85 provides for the issuing of decisions on the establishment and operation of school cooperatives designed to develop cooperation among pupils, to foster feelings of social responsibility, and to introducing pupils to forms of collective economic activity such as handicrafts, school gardens, animal husbandry, and the organization of excursions and sporting events. School cooperatives (including one which publishes an almanac) have been organized on the initiative of teachers, especially in primary schools.

352. Article 45 of Law 1566/85 provides for the establishment and operation of school communities to improve the skills of pupils in: (a) understanding the importance of democratic dialogue; (b) contributing to the smooth operation of the educational process; and (c) acquiring the qualifications necessary for their further progress. School communities are also expected to contribute to the organization of school life and the events involved in it. Since 1987, the Ministry of Education has issued the rules for the running of the school communities, which provide for general assemblies, the election of a 5-member council per class (or department) and the election of a 15-member school council per school. School communities operate in almost all the junior and senior secondary schools of Greece. Though no systematic evaluation of their efficiency and of whether they fulfil their objectives has yet been conducted, there is a widespread impression that they have been diverted from their original objectives. They devote their time largely to the organization of the annual school excursions and also to declaring sit-ins intended to promote the satisfaction of pupils' demands (most of which are just, if the shortages in schools are borne in mind). However, a debate is developing over the reorganization of the school communities so that they may be more successful in meeting their original targets.

353. The establishment and operation of school sports clubs, with the purpose of organizing athletic games, are provided for by Law 1566/85 (art. 47). Pupils from neighbouring schools may also participate in the school sports clubs. Supervision is exercised by the teachers of physical education. Although this provision remains inactive (the decision to establish and operate the clubs has not been issued yet), school sports clubs exist and operate, on the initiative of teachers, in a number of schools which it is impossible to determine with accuracy.

354. On the basis of the same provision allowing the establishment of school sports clubs, a decision has been issued (1770/1993) for the organization of individual and team sports in primary and secondary schools (field and track events, swimming, football, basketball, volleyball, gymnastics, etc.). These athletic events take place on four levels. On the first level, athletic events are organized at the school level by the school sports clubs, where they exist, or by the school council in cooperation with the physical education teachers and the Teachers' Association. On the second level, they are organized on the prefectural level by the prefectural organizing committee, then on the interprefectural level (among prefectures in the same region), by the prefectural organizing committee of the place where the event is to take place, and finally on the national level (Panhellenic events), by the central organizing committee in association with the local prefectural organizing committee. The winners of the national events are put forward for participation in the corresponding international events.

355. The success of school games and the extent to which pupils participate do not depend only on the initiatives of physical education teachers or the existence of school sports clubs. They are also largely a factor of the existence of infrastructure and, in particular, of gymnasiums and suitable places where the sports can take place. In the school year 1988/89 (the last for which there are data), of a total of 7,493 public primary schools, only 741 (9.9 per cent) had gymnasiums, while of 104 private primary schools, 61 (58.7 per cent) had gymnasiums. At the secondary level, of 1,653 public secondary schools, 599 (36.2 per cent) had gymnasiums, while of 68 private high schools, 58 (85.3 per cent) had gymnasiums. No information about access to open-air sports facilities or on gymnasium equipment is available.

356. Another institution providing spare-time activities for school-age children, especially primary school pupils, is the Pupils' Creative Work Centre (KEDAM - what is often called all-day school). The purpose of these centres is to contribute to developing the creative inclinations of children and to consolidating learning, while in parallel they assist working parents whose working hours do not coincide with the school timetables of their children. All-day school was applied experimentally in the period 1985-1989 in 40 multiteacher primary schools, and in 1994 the Ministry of Education established another 350 such centres on a pilot basis at primary schools in Athens, Thessaloniki and other large cities. In these schools teachers/monitors provide specialized instruction in physical education and the arts, while the cost of running the centres is met mainly by parents and the local government. So far, the experience gained from the institution has been positive. Approximately 20 per cent of all pupils attend a Pupils' Creative Work Centre and the State's intention is that they should be extended to all the primary schools of the country

357. Within the framework of secondary education (comprehensive senior secondary schools, technical/vocational senior secondary schools, uniform senior secondary schools and junior secondary schools) pupils have scope to request the provision of optional courses (Law 1894/1990, Presidential Decree 35/1991) in the fields of: (a) music and dance; (b) the plastic arts; (c) drama, the cinema and journalism; (d) economics, health, administration (e.g. cooperatives, health education, labour relations, etc.); and (e) foreign languages, if at least 10 pupils back the request. Although the relevant Presidential Decree provides for the organization of optional courses in almost all the types of junior and senior secondary school, the system has been most successful in the comprehensive senior secondary schools. As noted above, only 5.2 per cent of the total number of pupils in senior secondary education attend comprehensive schools. If the institution of comprehensive education becomes more widespread - which is felt among the appropriate officials to be still uncertain - it seems likely to have beneficial results, in the field of options, for more pupils.

358. Cultural activities which take place in the leisure time of pupils are optional. Whether they take place at all depends on the initiative, and also on the amount of spare time, of teachers and pupils. Cultural activities are organized at the level of primary and junior secondary school, especially the latter. In senior secondary school, pupils tend to be absorbed in the procedures and preparation for admission to university, and for them cultural activities are something of a luxury. However, the fact that these activities take place even at the level of compulsory education is an achievement for the educational system and fosters the overall development of the pupils.

VII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

Refugee children

(article 22)

359. The most important international source of law on refugees is the Geneva Convention relating to the Status of Refugees of 1951 and the New York Protocol of 1967 supplementing it.

360. Greece, fulfilling its commitments as a contracting party to these international agreements, has incorporated into its domestic law special provisions for refugees (articles 24 and 25 of Law 1975/91, as amended by Law 2452/96). In the recent amendment of the legislation, the principles of the resolutions, recommendations, etc. adopted during recent years at the European Union level were given particularly close consideration. These include the resolution on fundamental guarantees to protect the procedures for the examination of asylum requests and the recommendation on the minimum conditions for the reception of persons applying for asylum, and special mention is made of child asylum applicants.

361. The amendment to the provisions on asylum included the introduction of a special procedure for the entry and residence in Greece of the dependants/family members of persons recognized as refugees, in the context of family unification. However, even before the new regulations, any application by a minor for asylum and entry to or exit from Greece for the purpose of family unification had, in practice, been dealt with in a positive spirit and promptly.

362. The right of education is granted both to child asylum applicants and to children recognized as refugees. In particular, a secondary school for children who apply for asylum or are members of families applying for asylum operates inside the refugee reception centre at Lavrio.

363. In Greece, no asylum applications have been submitted by unaccompanied minors. Occasional applications by minors who were accompanied not by their parents but by other relatives have been treated with particular sensitivity by the authorities, which have granted all possible assistance.

364. The police personnel handling asylum matters are experts and receive regular training in the form of seminars on their object of work. These seminars are often organized in association with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other intergovernmental or non-governmental organizations. Cooperation is not confined to staff training but extends to many other topics concerning refugees, including, of course, child refugees.

B. Children involved with the system of juvenile justice

The administration of juvenile justice

(article 40)

General principles of criminal law

365. Under the Greek Constitution (art. 7, paras. 1 and 2), "no crime exists and no punishment can be imposed without the presence in force. Prior to the perpetration of the act, of a law which defines the elements of the act. No penalty more severe than that provided for at the time of perpetration of the act can be imposed at any later date. Torture, physical injury of any kind, damage of health, the application of psychological violence, and any other offence to human dignity are prohibited and punished".

366. Article 1 of the Criminal Code lays down that no punishment can be imposed except for acts for which the punishment has been expressly specified by the law before their perpetration. Article 2 of the Criminal Code supplies the ground for the retrospective validity of a milder law. Thus, if between the perpetration of the act and an irrevocable court decision on it, two or more laws have been in force, the law containing the provisions most favourable to the accused is applicable. If a more recent law decriminalizes the act, both the execution of the punishment imposed and its penal consequences will terminate.

Minors in Greek criminal law

367. Greek criminal legislation takes into consideration the particular characteristics of childhood and includes a number of provisions of a protective nature and with both substantive and procedural content. The criminal protection of minors is guaranteed by the criminal penalties for the offenders in the cases in which a minor constitutes the object of a crime - that is, in which a minor is the victim of a criminal act. When applied to minors as offenders, criminal law is preventive in nature and develops according to the final objective of a crime prevention policy within a framework of protective and educational treatment for young offenders. In the particular case of both the perpetrator and the victim being minors, protective measures are taken for both persons.

368. More specifically, the criminal treatment of the minor offenders is provided for by articles 121 to 133 of Section Eight of the Criminal Code. The guidelines governing these articles are as follows: (a) the social element, given that the determinants of deviant behaviour are mainly the result of the social structure; (b) the need for special rather than general prevention; (c) investigation of the perpetrator's personality rather than of the act(s) s/he has committed; and (d) the special and individualized treatment of perpetrators.

369. Section Eight deviates from the general principles of criminal law and amounts to a kind of special code for underage criminals, who, by the establishment of a special jurisdiction under the Code of Criminal Procedure, may not be tried by the ordinary criminal courts. This procedure equates minors with adults and makes distinctions concerning responsibility only at the stage when measures are to be taken.

370. One of the characteristic features of this approach is that minor offenders are absolutely free of responsibility for their acts until they reach the age of 12, and hold only relative responsibility until the age of 17. The legislative philosophy is supplemented by a number of other measures which can be summarized as follows:

(a) The proceedings of the juvenile courts are held in camera;

(b) Special measures of treatment may be taken;

(c) The reformatory or therapeutic measures ordered may be changed;

(d) A legal remedy (appeal) may be brought if penal correction for more than a minimum of one year is ordered;

(e) The measures ordered appear on the minor's criminal record only in special cases which are restrictively specified in the law, and they may be deleted;

(f) The institution of the probation officer has been established;

(g) Minors who have been ordered to be placed in penal correction may be conditionally discharged and put under the supervision by a special State employee;

(h) Juvenile judges and their legal substitutes are appointed;

(i) Minors are detained in special institutions;

(j) All days of detention, in the event of penal correction, are counted as working days;

(k) A social work service for the juvenile reformatory and correction institutions has been established and is in operation.

371. The following guarantees are in force for juvenile suspects or juveniles accused of violations of criminal law.

372. Minor offenders are usually arrested by trained officers of the juvenile police. They are detained in a separate part of the police premises, and then, if detention on remand is required, they are detained in Juvenile Institutions of Correction.

373. The police guarantee all the rights of the accused minor provided for by the Code of Criminal Procedure during preliminary investigation or preliminary questioning. In particular, in all police authorities accused persons are given lists of their rights, in writing, in two languages (Greek and English), and if they speak neither of these languages an interpreter is engaged to translate the rights. The accused, after having been informed of his rights, then signs a document to this effect, which is also signed by the officer entrusted with this duty.

374. The minor's private life is treated with confidentiality and absolute respect throughout the preliminary investigation, which is carried out in the special premises of the juvenile police service and in the presence only of competent persons, and, if requested by the minor, in the presence of the parents or of the persons having custody of the minor by law.

375. Under article 282, paragraph 3, of the Code of Criminal Procedure, as it continues in force, if the accused is an adolescent, restrictive conditions or detention may be ordered if the offence committed by the adolescent is liable to punishment by imprisonment of 10 years or more. If the minor is under the age of 13, she/he may be detained in a juvenile reform school. In a Juvenile Institution of Correction only minor offenders are detained and schools and vocational workshops operate. The juvenile reform schools operate primary and vocational secondary schools under semi-free living conditions.

376. Under article 33, paragraph 3, of the Code of Criminal Procedure, preliminary investigations against minors may be carried out by the special juvenile examining magistrate. During the preliminary investigation, under paragraph 2 of article 239 of the Code of Criminal Procedure, everything possible is done to discover the truth. The innocence, as well as the guilt, of the accused, and any particulars concerning his/her personality and affecting the measure of punishment will be examined and certified ex officio. In the particular case of juveniles, a special investigation is conducted of their health, moral and intellectual condition, early life, family conditions and, in general, their environment. This research is entrusted to a probation officer, whose report is a confidential document and is available only for use by the juvenile judge.

377. Under articles 100 and 101 of the Code of Criminal Procedure, which apply both to minor and to adult offenders, accused persons have the right to appear with an advocate not only to submit their defence against the charge but also during any inquiry relevant to it. Under no circumstances may communications between accused persons and their advocates be prohibited.

378. If the minor and/or his/her relatives are unable for whatever reason to retain an advocate, then such an advocate is appointed by the Juvenile Protection Society. Moreover, from the moment of perpetration of the crime the minor will receive the continuous support of a probation officer, who has the status of a special State employee and supports the minor until whatever sentence is ordered has been completed. If a reformatory measure is ordered, the support extends until the minor reaches majority.

379. Accused persons and/or their advocates are allowed to study the documents in the file on the proceedings and may make copies of these documents. The accused has the same rights when s/he is summoned again to present a supplementary defence. After the investigation is complete, the accused is always summoned to study the entire file on the proceedings, in person or through his/her advocate. The accused has the same rights when a preliminary interrogation is held.

380. Every effort is made to ensure that cases involving crimes committed by minors are heard as soon as possible after the perpetration of the crime, and in all cases no more than six months after it. The hearing takes place before the Juvenile Court (three-member or one-member, as the case may be - article 7 of the Code of Criminal Procedure), which hears the

case in camera, so as to protect the minor's personality. The juvenile courts are staffed preferably by judges with special knowledge who speak foreign languages. Their term of office may be renewed every two years but always with their consent.

381. In the event of a minor being accused of having committed a criminal act as the accomplice of adults, the case will, as a rule, be heard separately as regards the minor, who will be tried by the juvenile court (article 130 of the Code of Criminal Procedure). Throughout the hearing, the minor will have the support of his/her advocate, the probation officer, and the parents or lawful representative if this is not considered contrary to the minor's interests.

382. Both the minor defendant and his/her advocate are entitled to question witnesses, experts, technical advisers, etc. (article 357 of the Code of Criminal Procedure). During both the investigation and the main hearing, minors are questioned without an oath, and the testimony of the minor's relatives to the second degree is compulsory (articles 221 (a), and 222 of the Code of Criminal Procedure).

383. Under an invariable principle of criminal procedural law, when a sentence is issued, the presiding judge informs the person convicted that she/he has the right, within the lawful time limit, to exercise an appeal or petition for the sentence to be quashed, explaining to him/her, in summary form, all that is necessary so that these legal remedies are valid and formally admissible (article 407, paragraph 1, of the Code of Criminal Procedure).

384. However, not all the sentences imposed on juvenile offenders are subject to the legal remedy of appeal; appeals may be brought only against those sentences which order penal correction of at least one year. Appeals may be brought against the judgements of the single-member or three-member juvenile court ordering punishments depriving the minor of his/her liberty for more than three months in the case of persons who, at the time of perpetration of the criminal act, were minors but whose trial took place after they had reached the age of 17. Similarly, an appeal is allowed in the cases provided for in article 131 of the Criminal Code, according to which, if the person sentenced to penal correction has reached the age of 17 before the start of service of the sentence, penal correction may be replaced by the reduced penalty of article 130 of the Criminal Code.

385. What at first sight appears to be the unfair treatment of juvenile offenders by comparison with adult offenders as regards the right of appeal in the event of conviction will be viewed in a different light when it is recalled that for the minor, the principle of annulment of res judicata applies: in other words, the reformatory or therapeutic measures ordered by the sentence of the court may be amended or cancelled at any time (article 124 of the Criminal Code).

386. Appeals lodged against judgements concerning underage persons are heard by the juvenile appeal courts, which have three members presided over, if possible, by a juvenile judge.

387. Under article 233 of the Code of Criminal Procedure, when a defendant, witness, etc. who has an insufficient knowledge of the Greek language is to be questioned, the officer carrying out the interrogation or the judge directing the hearing in court appoints an interpreter.

388. Under article 235 of the Code of Criminal Procedure, acceptance of the person appointed as interpreter is compulsory unless there are reasons for his exclusion. These reasons are expressly specified in article 234 of the same Code. Before undertaking their duties, interpreters take an oath to translate with accuracy and exactness anything said or any documents given to them for that purpose. If the appointment of an interpreter is impossible, the witness or the defendant may, during the interrogation, testify or defend him/herself in writing in the foreign language. The testimony is included in the case file along with the translation produced later. When the foreign language is a little-known one, an interpreter of the interpreter may be appointed (articles 236, 237 and 238 of the Code of Criminal Procedure).

389. The spirit of paragraph 4 of this article of the Convention is fully reflected in Greek legislation, which focuses principally on the prevention of criminality among minors from 7 to 17 years old. The reformatory or therapeutic measures applied to juvenile offenders under the age of 12 include: (a) a reprimand; (b) placing under the supervision of parents, guardians, trustees; (c) placing under the supervision of the Probation Officer Service; and (d) admission to a juvenile reform school.

390. The juvenile court orders the first three of these measures for misdemeanours and the fourth for more serious crimes. The court may, at any time, commute or increase the reformatory measure ordered, in accordance with the progress of the minor's improvement. Preventive measures apply also to minors who are at moral risk, that is, to minors who live in a social environment consisting of persons who professionally or habitually commit criminal acts. In these cases, the minors are admitted to juvenile reform schools by decision of the juvenile judge on the petition of the persons having custody (article 7 of Law 2298/1995) or to the shelters of the Juvenile Protection Society. Juvenile Protection Societies are legal persons under public law subject to the supervision of the Minister of Justice. The probation services are attached to the juvenile courts and are also supervised by the Ministry of Justice. Both services are entrusted with the prevention of criminality among minors.

C. Children in situations of exploitation, including physical and psychological recovery and social integration

1. Economic exploitation of children and child labour

(article 32)

391. The incorporation of young people into the process of production and salaried work in particular has, since the beginning of the twentieth century, been a matter of top priority and great interest on the part of the Greek State, given that the conditions in which minors work and the kind of employment they engage in are elements of vital importance for their physical and mental health and for their overall development.

392. The existing legislation dates back to 1912 (Law ΔΚΘ/1912, the Royal Decree of 14 August 1913, etc.). Since that time, and on the basis of the major social, economic, technological and cultural developments which have taken place, the Greek State has introduced a wide range of legislative rules to protect working minors.

International conventions ratified by Greece in relation to minors

393. The Greek State has ratified the following international instruments relating to working minors of the International Labour Organization:

(a) Convention No. 77 concerning Medical Examination of Children and Young Persons for Fitness for Employment in Industry of 1946, by Law 1171/1981;

(b) Convention No. 78 concerning Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations of 1946, by Law 1173/81;

(c) Convention No. 124 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines of 1965, by Law 1175/81;

(d) Convention No. 138 concerning Minimum Age for Admission to Employment of 1973 and adjustment of Greek legislation to these provisions, by Law 1182/81.

394. Greece also has ratified the European Social Charter, by Law 1426/84.

395. The work of minors is regulated in Greece by Law 1837/89 (Government Gazette No. 85/A/23-3-1989) "Concerning the protection of minors in work and other provisions". On the basis of this law, and of the regulatory acts issued on its authorization, the Greek State has created a legal protection network for working minors which does not, however, apply to agricultural, forestry and stock-breeding work of a family nature. This exclusion was dictated by social factors and by considerations of the tradition and functioning of farming families in Greece today.

Terms and conditions for the employment of minors

396. The general minimum age limit for admission to employment is 15 years (article 2 of Law 1837/89). This provision is based on the consideration of allowing children to complete compulsory education, which ends at the age of 15, without distraction. An exemption to the limit of 15 years is employment in artistic and similar activities, on condition, however, that no harm is done to the physical and mental health or the morals of the minors. This exemption was enacted because it is widely accepted that artistic creativity among young people is an important cultural activity which the Greek State ought to encourage.

397. Employment in such activities is allowed after the granting of a permit by the Inspectorate of Labour, and may not exceed three months. In order to obtain the permit, the minor's employer is obliged to submit the following to the appropriate Inspectorate of Labour:

- A medical certificate confirming that the specific work poses no hazard to the physical or mental health of the minor;

- A statement of consent by the person with custody of the minor;

- A personal statement that he (the employer) has taken all the necessary protective measures.

398. The data for recent years, and more specifically for the period from 1992 to 1995, allow certain conclusions to be reached about the ages, types of employment, and number of minors in the labour market in Greece.

399. In 1992, out of a total of 470,510 minors, those working amounted to 8.35 per cent and in 1995, out of a total of 459,998 minors, those working amounted to 6.2 per cent. In other words, the number of minors working dropped by 2.15 per cent. In 1992 the absolute number of minors in work amounted to 39,277, in 1993 to 35,829, in 1994 to 30,582 and in 1995 to 28,626.

400. The above data show a downward trend over time in the number of working minors, which can be interpreted positively in conjunction with the reduction of the percentage of pupils dropping out of school in Greece.

401. The age distribution of the minors employed was as follows in 1992: 7,899 (20 per cent) were aged 15, 12,800 (33 per cent) were aged 16 and 18,578 (47 per cent) were aged 17. In 1995, the corresponding figures were 6,048 (20 per cent) aged 15, 8,545 (30 per cent) aged 16 and 14,033 (50 per cent) aged 17. There was thus an increase in the employment of older minors (17 years old).

402. The distribution by branch of economic activity was as follows in 1992: 35 per cent in the primary sector, 44 per cent in the secondary sector and 21 per cent in the tertiary sector. In 1995, the corresponding percentages were 39 per cent, 31 per cent and 30 per cent. There was thus an increase in employment in the tertiary sector (mostly in commerce), while the percentage of minors employed in the secondary sector (principally manufacturing) declined.

Vocational training and guidance

403. One of the conditions for the lawful employment of minors is that they should attend extracurricular career counselling courses (article 4 of Law 1837/89). The agency offering these courses is the Workforce Employment Organization, which grants certificates of attendance of the courses which are a requirement for the issuing of a minor's work card (see below). Employment in artistic or similar activities does not require attendance at such courses.

404. The Workforce Employment Organization applies a number of measures to protect children's rights, to contribute to social progress, and to protect and improve the living conditions of children and their families. The most basic protection measures taken by the Workforce Employment Organization are the following:

(a) It has set up a network of Pupils' Homes throughout the country where the pupils of apprenticeship schools can obtain free board and lodging. In this way, it facilitates and supports children from poor families in moving to the urban centres where the apprenticeship schools are located and in integrating themselves into the vocational training system;

(b) In areas where the Workforce Employment Organization does not have Pupils' Homes, it bears the entire cost of boarding the young people who are enrolled in its schools;

(c) The initial vocational training offered by the Workforce Employment Organization is designed to create a flexible system to maximize the number of children able to attend initial training courses in accordance with the needs of the work market and create job prospects. Initial training includes the apprenticeship programmes run for young people aged 15-18. The apprenticeship programmes are based on alternative vocational training, including theoretical and laboratory work in the school and practical work in private and public enterprises for a total duration of six semesters. In the first two semesters, the young people train in the school, while in the other four semesters training is carried out in the school two days a week and in the enterprise four days a week, thus directly connecting training with employment and creating immediate job prospects for the young people. Enterprises which are involved in the practical training of young people receive subsidies from the Workforce Employment Organization;

(d) During practical work, the Workforce Employment Organization and its expert instructors supervise the work being done by the young people in the enterprises, making sure that regulations on the safety, health, insurance and general protection of the trainees, as prescribed by legislation, are applied;

(e) Under Presidential Decree No. 209/94, children who are refugees or the children of political refugees on the basis of the international and domestic law in force are eligible for enrolment in the educational units of the Workforce Employment Organization on the same terms and conditions as are applicable to Greek citizens;

(f) The Technical Training Centres of the Workforce Employment Organization operate social services staffed with experienced social workers and career advisers. The centres work either with groups of young people or individually, trying to offer special assistance and support to enable them to function normally within the community. They also help the young people to choose a vocation suitable to their inclinations and wishes, enabling them to work normally in occupations with prospects in the labour market;

(g) During the school year 1996/97, the Workforce Employment Organization introduced a pilot programme of continuous training for political refugees in confectionery and cooking - initially accompanied by courses in the Greek language - to help them integrate themselves into the new country. Particular care was taken to open the course up to political refugees under 18 years old and to look after the children of political refugees taking part in the programme, who may attend day nurseries when their parents are attending training. In this respect, the contributions made by the Greek Council for Refugees and the Social Work Foundation, with which the Workforce Employment Organization collaborated through the programme, were very significant;

(h) In the field of continuous training, the Workforce Employment Organization meets the entire cost of intercity bus fares of trainees (young people and adults) attending courses operated by it in places at a distance from the normal place of residence of the trainees.

Dangerous work

405. The Greek State, in the context of its efforts to protect young people against any form of economic exploitation and against work involving special risks to their safety, health and development, has established prohibitive provisions related which provide the necessary protection.

406. Ministerial Decision No. 130627/1990, issued on the authorization of Law 1837/1989 (art. 2), defined the type of work classified as dangerous, heavy or unhealthy and causing the risks mentioned in the previous paragraph. More specifically: (a) the Decision refers to work connected with the preparation, mixing or use of substances and preparations which are explosive, inflammable gases, toxic, highly corrosive, carcinogenic or tend to cause teratogenesis or mutations (Presidential Decree 329/1983); (b) it cites a detailed list of the work mentioned in the first paragraph, which may not be done by minors. By way of indication (in view of the large number of such types of work, for which see Ministerial Decision No. 130627/1990), the following types of work may be noted:

- Work involving exposure to extreme levels of radiation or of noise;
- Underground work in mines and quarries;
- Work involving the use of excavating loading machines;
- Demolition work;
- Work entailing the lifting of weights heavier than certain limits (14-16 years old: 10 kilos for boys and 5 kilos for girls, 16-18 years old: 15 kilos for boys and 10 kilos for girls);
- Work in which there is a risk of falling objects in the area where the minor is working;
- Work in research into infectious diseases.

407. With the fullest possible protection of working minors as its criterion, the Greek State has also taken the following additional measures (Ministerial Decision No. 130627/90):

(a) The selection of the duties assigned to a minor must be made particularly carefully, and the physical conditions and characteristics of each minor must be taken into consideration. In all cases, complete safety must be secured against accidents, over fatigue or other harmful consequences for the health or development of the minors;

(b) The employment expert and duty doctor must give their expert opinions on the employment of minors on specific tasks;

(c) The Health and Work Safety Committee or the staff Health and Safety representative must be informed of the type of duties the minors will be undertaking and the place where they will be working;

(d) Minors must be trained in safe ways of carrying out the work assigned to them before starting work. In addition, for a length of time they should be guided and supervised by a qualified person while working.

Working hours

408. One important issue which occupies a central position in Greek legislation is that of minors' working hours. The fixing of these hours should be based on the right of each young person to have all possible access to the various levels of education or even to combine education with vocational training and employment.

409. In view of this, Law 1837/1989 (art. 5) lays down the maximum daily and weekly working hours. Under the Law: (a) minors who are under the age of 16 may not be employed for more than 6 hours per day and 30 hours per week; (b) minors who are employed and also attend schools (in the public or private sector) and are under the age of 18 may not be employed for more than 6 hours per day and 30 hours per week. In addition, their daily work will start or end at least two hours after the end or beginning of school hours. Overtime work is prohibited for all minors, in general.

Night work

410. Working people who are under the age of 18 are entitled to daily rest of at least 12 continuous hours, including the hours from 10 p.m. to 6 a.m.. Night work is thus expressly prohibited. Inspections carried out by the appropriate Inspectorates of Labour during recent years have identified cases of violation of this prohibition, and charges have been brought by the competent authorities against the offending employers. In 1989, 4 such charges were brought, in 1990, 7 charges, in 1991, 5 charges, in 1992, 43 charges, in 1993, 17 charges and in 1994 only 1 charge.

411. The number of cases of violations of prohibition of night work is very small, which indicates that employers are sensitive to the need for compliance with the relevant provision of law.

Remuneration, holidays

412. Work provided by minors is paid for on the basis of the minimum wage of the National General Collective Labour Agreements, in proportion, however, to the number of hours of work each day (article 6 of Law 1837/1989). Minors who work are entitled to holidays on full pay (article 7 of Law 1837/89). These holidays are granted during the period of summer school vacations, in continuous days. However, if requested by the minor, half may be granted in parts at other times of the year.

413. Greek legislation has been harmonized with articles 28 and 29 of the Convention (article 7, paragraph 2, of Law 1837/89) and regulates the question of leave for working minor school or university students during examination periods. This leave entitlement is set at 30 days. Its granting to the minor does not presuppose one year of continuous employment by the same employer (Emergency Law 539/45). In addition, this leave is on full pay and is paid not by the employer but by the Workforce Employment Organization.

Labour book

414. In Greece, minors wishing to be employed must have a labour book. Minors employed in artistic and similar work are exempted from this obligation (article 8 of Law 1837/89).

415. Under Ministerial Decision 1390/1989, the minor's labour book, which is issued by the Inspectorate of Labour:

(a) Must show the personal particulars of the minor and the particulars of the public authority issuing it;

(b) Must certify that the minor has attended a career counselling programme;

(c) Must state the reason for the issuing of the book;

(d) Must state full particulars of the occupation in which the minor engages;

(e) Must include certification that the minor to be employed has undergone the necessary medical examinations;

(f) Must provide space for remarks inserted by the employer on the minor's working hours, remuneration, etc.

416. According to the most recent data published by the Inspectorates of Labour, 3,236 labour books were issued in 1993, of which 2,394 (74 per cent) were issued to boys and 849 (26 per cent) to girls. In 1994, 2,980 books were issued, of which 2,266 (76 per cent) were issued to boys and 714 (24 per cent) to girls.

417. As regards the year 1995, the data concern only the total number of books and show that 2,627 labour books were issued.

Minor's records

418. Each employer employing minors is obliged to keep records in which he enters all the personal particulars of the minors and information about the kind of work they do.

419. Each Inspectorate of Labour keeps records of minors, showing data about labour books and the minors to whom they have been issued (Ministerial Decision No. 1389/1990).

The working environment

420. Further legal protection for working minors is to be found in the guarantee provided by article 15 of Law 1837/89. Pursuant to this article, minors are related to their employers by contracts of dependent labour whose validity is not affected by whether or not the provisions of law were complied with when the minor was employed.

421. It is the obligation of each employer employing minors to take all the necessary measures for their protection in the working environment (article 16 of Law 1837/89). These measures involve the minor being informed about the dangers which may be present during his/her work, including protection against any acts which may be an offence to their personality. In addition, the employer must assess the physical capacity and condition of the minor before placing him/her in a particular post.

Criminal and administrative sanctions

422. Article 3, paragraph 2, sub-paragraph c of the Convention provides expressly for the obligation of the States parties to make provision for punishments and penalties in order to ensure the correct application of its provisions. Article 18 of Law 1837/89 fulfils this obligation. Under it, employers or their representatives who violate the provisions of law in connection with the work of minors are liable to punishment by a fine (article 458 of the Criminal Code). Fines may also be imposed by the competent administrative authority (Inspectorate of Labour). These fines may range from 30,000 to 300,000 drachmas, but are subject to adjustment by decision of the Minister of Labour.

423. Similarly, persons who have the custody of a minor are liable to punishment by a fine or imprisonment when they permit the minor to work: (a) without having reached the age of 15; (b) in unhealthy and heavy work; (c) without a labour book; or (d) in artistic work without a permit.

424. According to the figures published by the Inspectorates of Labour, charges were brought against employers for illegally employing minors as follows: in 1990 (46), in 1991 (83), in 1992 (89), in 1993 (37) and in 1994 (20).

425. In the area of their competence and in order to deal with the economic exploitation of the minors, the police take protective measures (preventive and suppressive) against children begging at traffic lights (most of whom belong to families of economic migrants, especially from Albania), against children selling flowers in night clubs, etc.

426. In parallel, the police also take suppressive action (arrest and committal for trial) against those who exploit minors and drive them to these forms of economic exploitation.

2. Drug abuse

(article 33)

427. In order to protect minors against drugs, Greek legislation on narcotics lays down very severe punishments - imprisonment for at least 15 years and fines of between 5 million and 150 million drachmas - for serious cases, such as the introduction of drugs or facilitation of their introduction or drug dealing in school units or other places of education or training, camps or orphanages, sports venues, and places, in general, where children or young people gather for educational or athletic purposes or social activities, and for the sale, offer, disposal, or distribution of drugs to third parties in any way whatsoever in locations directly adjacent to the above places (article 6 of Law 1729/1987, as it continues in force).

428. Furthermore, punishments of life imprisonment and fines of between 10 million and 200 million drachmas are provided for in cases of offenders of the law on drugs who are recidivists or act habitually with the purpose of causing minors to use narcotic substances or who use minors in any way whatsoever in the perpetration of acts which are offences under the law on drugs (article 8 of Law 1729/1987, as it continues in force).

429. Under a provision recently passed by Parliament, the quality of being a "particularly dangerous" offender, in accordance with articles 5, 6 and 7 of the above Law, has been made one of the aggravating circumstances of article 8 of Law 1729/1987. A further section to this effect has been added to article 13 of the Criminal Code, which defines the term "particularly dangerous perpetrator", thus ensuring that the courts will apply the relevant legislation in a uniform manner.

430. Article 123 of the Criminal Code provides for therapeutic measures for minor users of narcotic substances and, in the event that they have committed crimes with adults, for their case to be heard separately.

431. Greece has ratified all the international conventions concerning drugs and, in addition, has signed bilateral agreements of cooperation in connection with the suppression of illegal importing, dealing, trafficking and use of narcotic substances.

Description of the problem

432. According to an epidemiological study carried out by the University Mental Health Research Institute in 1998, in a sample of 8,500 persons belonging to the school-age population (aged 13-18 years), 13.8 per cent admitted to experience with some illegal substance. The percentage among boys was 17.9 per cent, significantly greater than that among girls (9.9 per cent), and it reached 29.3 per cent in boys aged 17-18 years. Substances were most widespread in the two largest urban centres of the country: Athens, the capital and largest urban centre in Greece, came first with a percentage of 18.8 per cent, followed by Thessaloniki with 6.9 per cent. The other urban centres recorded a level of 10.5 per cent, with semi-urban/rural areas at 7.9 per cent. As for the type of substances consumed, the most frequent among school pupils is cannabis (12.6 per cent), while the other substances (amphetamines, hallucinogens, ecstasy, cocaine, heroin and crack) are much less common, with

percentages ranging from 1 per cent to 4 per cent. The figures for the use of inhaled substances, such as glue, petrol, etc., which, although legal and easily accessible, involve many dangers, are interesting: their use by pupils for the purpose of changing their mood is as much as 13.8 per cent, a percentage higher than that for cannabis.

Action to deal with the problem

Primary prevention

433. No systematic and uniform record has been made of all the services and primary prevention programmes being implemented in Greece. The first action plans in this sector were implemented by the first therapy programmes, in 1983. Since that time, detoxification programmes have continued and have gained in experience, while, in parallel, services and programmes exclusively orientated towards prevention have been developed and applied. The description which follows is based on official reports and the presentations of prevention organizations.

434. To systematically meet the needs of the Greek provinces, where there is no network of similar services, the Pegasus Mobile Information Unit, belonging to the Centre for the Treatment of Dependent Persons, has been operating since 1989. In its specially converted double-decker bus, the staff of the Unit have to date made more than 500 trips to various parts of Greece, in close cooperation with local governments. The action taken by Pegasus includes short-term prevention and information programmes in secondary schools. It also approaches high-risk groups of young people and provides information about the consequences of use and how to deal with the first stages of experimentation. Pegasus holds meetings with addicts (including adolescents) and their families, motivating them to seek treatment.

Integrated primary prevention programmes

435. In recent years, integrated programmes of primary prevention have taken place. These programmes sometimes focus on primary and secondary schools, being addressed, simultaneously, at pupils, parents and teachers and sometimes, in cooperation with the local authorities, to the children and young people of the areas. They take place in premises made available specially for the purpose. By applying methods of active group participation, the programmes are designed to strengthen the protective factors against the use of substances (self-esteem, personal and social skills, creative use of leisure time). Such programmes have been carried out by the Prevention Sector of the Centre for the Treatment of Dependent Persons, the University of Athens, the University of Ioannina, the Athenian Centre of Human Studies and the "Protasi" movement in Patra. The regions covered are mainly Attiki (Athens and Piraeus) and provincial towns and regions such as Patra, Mytilini, Halkidiki and Ioannina.

436. Since 1997, 37 Prevention Centres have been established in 26 of the 52 prefectures of Greece, by means of cooperation between the organizations combating drugs and local governments. The development and application of primary prevention programmes and the supporting of social networks in the communities in which children and young people live and are educated are among the targets of these Centres.

Secondary prevention

437. Since 1996, the "Strophi" programme of the Centre for the Treatment of Dependent Persons has been running a Secondary Prevention Centre in Athens for persons who make, or have made, experimental/occasional use of drugs, are continuing their educational or vocational activities, and have a supportive family environment. Intervening at an early stage, the programme aims to prevent the further involvement of adolescents in substance use by counter-proposing a creative way of life. The Centre also supports the parents and siblings of adolescents.

438. For intervention in high-risk groups with delinquent behaviour, "Strophi" runs an adolescent counselling post in the juvenile courts of Athens for adolescents apprehended for violating the law on narcotics and their families. On a secondary level, and after the assessment of the cases, the post refers such young people to the Secondary Prevention Centre, to the "Strophi" Open Therapy Community, or to the "Strophi" eight-month training programme, which aims to prevent adolescents becoming dependent on psychotropic substances and supports their reintegration into education or employment. Intervention in high-risk groups of young people is also the objective of the Pilot Programme for Timely Intervention with Adolescents of the Organization to Combat Drugs, which accepts referrals from probation offices. The programme offers psychological support for adolescents and their families and training for professionals.

Therapy programmes

439. At present, there are two detoxification centres for adolescents and their families, both located in Athens: the "Strophi" Open Therapy Programme of the Centre for the Treatment of Dependent Persons, and the adolescents' programme "18 AND OVER", the detoxification unit of the Attiki Psychiatric Hospital. These programmes are "dry" (that is, they do not administer substitutes) and they offer counselling, psychological detoxification and social reintegration services for adolescent users and parallel support programmes for their families. "Strophi" has its own school offering a complete course of education for its members and a guest house for adolescents on the programme who are from the Greek regions or do not have the support of their families.

3. Sexual exploitation and sexual abuse

(article 34)

440. The Criminal Code contains numerous provisions protecting minor victims of sexual abuse and exploitation inside and outside the family.

441. Under article 337, paragraph 2, of the Criminal Code, any person who, by indecent gesture or proposition concerning acts of indecency, grossly offends against the dignity of sexual life of a minor under the age of 12 is liable to imprisonment for between three months and two

years. Further, the provisions of article 339 of the Criminal Code (seduction of children) punish the committing of acts of indecency with a person under the age of 15 as well as the inducement of a minor to commit or be subjected to such an act. The possibility that the minor may have consented to the act of indecency is not taken into consideration.

442. The gravity of the offence of seducing a child is graded by the law in accordance with the age of the minor victim. More specifically, if the victim is under the age of 10, the perpetrator is liable to imprisonment for at least 10 years; if the minor is between the ages of 10 and 12, imprisonment will be for up to 10 years, and if the minor has reached the age of 13, a term of imprisonment will be imposed.

443. If the above act results in the death of the minor victim, the perpetrator will be liable to imprisonment for between 10 years and life (article 340 of the Criminal Code).

444. Article 342 of the Criminal Code (abuse of power to induce a minor to commit an act of indecency) applies to minor victims under the age of 18 and covers a wide range of perpetrators, including ascending relatives by marriage, adoptive parents, guardians or supervisors or any other carers, teachers or tutors, priests, and members of the family environment of the victim, punishing acts of indecency with a minor whom the above persons had in their supervision or care.

445. Article 339 of the Criminal Code protects the lawful good of the psychological and physical personality of minors, which can be damaged by acts against the free expression of their sexual life, while article 342 protects the lawful good of the relationship of dependence and confidence between minors and adults.

446. The crimes of incest and indecency between relatives by blood constitute an especially serious form of domestic sexual abuse and are provided for and punished on the basis of articles 345 and 346 of the Criminal Code. Under these provisions, sexual intercourse between relatives by blood in the ascending or descending line is punished, for the ascendants, by imprisonment of up to 10 years, and for the descendants by imprisonment of up to 2 years. Other acts of indecency are punished by imprisonment of up to one year. Under these provisions, even minors between the ages of 7 and 17 years can be treated as perpetrators of incest and indecency between relatives. However, the court has the discretionary power not to impose any penalty on such minors if, at the time of the offence, they were under the age of 17.

447. Under article 347, paragraph 1b, of the Criminal Code, acts of indecency between males committed by an adult by the seduction of a person under the age of 17 years old is punishable by imprisonment of at least three months.

448. Article 336 of the Criminal Code punishes particular forms of sexual abuse such as rape committed against a minor. This act is punished by imprisonment.

449. The provisions of paragraph b of article 343 of the Criminal Code determine that if persons appointed or in any way working in prisons or other places of detention, schools and other educational institutions, hospitals, clinics, or any other kind of infirmary and convalescent home, or other institution intended to care for persons in need of help, commit acts of indecency with persons admitted to such institution, they shall be liable to imprisonment of at least one year.

450. The Criminal Code includes a number of provisions to protect minors from various acts committed with an economic motivation.

451. Article 349 of the Criminal Code protects minors under the age of 18 years old, regardless of their own morals, and makes liable to imprisonment for nine months to three years and a fine any person who may procure such minors for or incite them to engage in corruption or encourage or facilitate such immoral states.

452. Provision is made for especially severe punishment if the offence involves a person younger than 16 years old or is committed by deceitful means or by an ascendant relative by blood or by marriage or by an adoptive parent, spouse, guardian or other person to whom the care of the minor has been entrusted.

453. Article 351 of the Criminal Code aims at the protection, inter alia, of minor girls who are engaged or deceived by others, with or without their consent, for the purpose of prostitution. It protects minor girls and also adult women who are illegally detained against their will and are forced to engage in prostitution. Such offences are punishable by imprisonment of between one and three years, but in particularly severe cases the sentence may be as much as five years.

454. The exploitation of minors for financial benefit, in the form of child pornography - namely, the production of or trafficking and trading in any kind of audiovisual material in which minors are presented in a sexual context - is dealt with indirectly by the Greek Criminal Code. Some child pornography is dealt with by the provision of article 349 of the Criminal Code. Laws 5060/1931 and 1092/1938 function as supplements to this provision, protecting minors against the circulation of obscene publications. In particular, article 30 of Law 5060/1931 makes those who offer obscene material to minors under the age of 18 liable to terms of imprisonment.

455. Law 1597/1986 provides for the classification of cinema films as suitable or unsuitable for minors, according to an age scale, and prohibits minors from entering cinemas showing unsuitable movies. Under this law, taken in conjunction with articles 9 and 11 of Law 445/1931, persons in charge of cinemas who allow the entry of minors are liable to penalties. Similar provisions apply to unsuitable theatrical performances.

456. There are special police services for the enforcement of this specific legislation, and proposals were submitted recently for the establishment of specialized police protection divisions to provide minor victims and their families with high-quality services.

457. The Greek Police Force appointed an officer to operate as a liaison officer with Interpol on matters of the protection of minors. The liaison officer has the necessary training and experience and takes part regularly in the meetings of the Interpol Permanent Working Party on offences against minors.

458. Greece and the Greek Police recently (6-8 May 1997) hosted the ninth meeting of Interpol liaison officers on offences against minors, in Thessaloniki.

4. Sale, trafficking and abduction

(article 35)

459. Under article 324 of the Criminal Code, any person who removes a minor under age of 18 from its parents or from the persons caring for it or offering it shelter or other support is liable to severe penalties. When the abduction was committed in order to make a profit (e.g. trading in babies) or with the purpose of using the minor in immoral activities, the penalty provided for is imprisonment for up to 10 years.

460. Under the provisions of article 328 of the Criminal Code, any person who abducts or detains, with the purpose of marriage or debauchery, an unmarried underage woman of her own free will but without the consent of the persons having her in their authority or having, according to law, the right of taking care of her person, is liable to punishment by imprisonment. Although this article is addressed directly to the right of parental custody, it also provides indirect protection for minor women for whose benefit custody is being exercised.

461. Under article 10, paragraph 2, of the new law on adoption, persons who put their children up for adoption and persons who illegally intervene in adoptions with the purpose of making an illegal profit for themselves or other persons are liable to punishment by imprisonment and a fine. More severe penalties will be imposed on persons who commit such acts habitually, professionally or for profit.

462. Greece has ratified, by Law 2102/1992, the Hague Convention on Civil Aspects of International Child Abduction of 1980.